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LIFE

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MEMOIRS

OF

THE LIFE

OF

WILLIAM WIRT,

ATTORNEY-GENERAL OF THE UNITED STATES.

BY

JOHN P. KENNEDY.

A NEW AND REVISED EDITION.

IN TWO VOLUMES.

VOL. I.

PHILADELPHIA:
BLANCHARD AND LEA.
1854.

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TO THE

YOUNG MEN OF THE UNITED STATES,

WHO SEEK FOR GUIDANCE TO AN HONOURABLE FAME,

These Memoirs

ARE RESPECTFULLY INSCRIBED

BY

THE AUTHOR.

BALTIMORE, *April* 12, 1849.

PREFACE TO THE NEW EDITION.

THE rapid sale of the first edition of these Memoirs brings a very agreeable testimony to the appreciation which the public has made of the character of him whose life I have attempted to illustrate.

In the preparation of the present edition, I have found necessity and opportunity for a revision of my work, which has enabled me to make some emendations; to correct some errors, both of the printer and my own; and now to offer it to the public in a condition, I hope, more worthy of that kind reception it has already met with.

J. P. KENNEDY.

BALTIMORE, December, 1849.

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CONTENTS,

VOL. I.

INTRODUCTION..... 13

CHAPTER I.

Parentage of William Wirt.—His Birth.—Will of Jacob Wirt.—Patrimony.—Autobiographical Memoir of Ten Years.—Bladensburg.—The Schoolmaster.—Mother and Aunt.—A Thunderstorm.—Old Inhabitants of Bladensburg.—The Dancing-Master.—A Ghost Story.—Performance on the Slack Wire.—Lee's Legion.—The Young Drummer.—Mr. Rogers' School in Georgetown.—Mrs. Schoolfield.—Mrs. Love and her Family.—Rural Life and its Images.—Mr. Dent's School, Charles County.—Alexander Campbell.—The Peace.—Day Dreams.—Colonel Lee.—Mr. Hunt's School in Montgomery.—Early Acquaintances.—Music.—A Fox Hunt..... 15

CHAPTER II.

Imaginative Temperament.—His Studies.—Wholesome Influence of Mr Hunt.—His Library.—Sketches by Cruse.—Verse Making.—First Literary Effort, a Prose Satire on the Usher.—Its Consequences.—A School Incident.—A Victory.—Visit to the Court-House of Montgomery.—Mr. Dorsey.—The Moot Court.—Its Constitution.—School Exercises..... 41

CHAPTER III.

Friends.—Peter A. Carnes.—Benjamin Edwards.—Ninian Edwards.—Becomes a Tutor in Mr. Edwards' Family.—Useful Employment of his Time.—Studies.—Journey to Georgia.—Returns to Montgomery and Studies Law with W. P. Hunt.—Removes to Virginia.—Studies with Mr. Swann.—Is admitted to Practice by the Culpeper Court..... 49

CHAPTER IV.

His Library.—First Case.—Difficulties attending it.—Is assisted by a Friend.—A Triumph.—His Companionable Qualities.—Habits of Desultory Study.—Practises in Albemarle..... 57

CHAPTER V.

Albemarle Friends.—Dr. Gilmer.—Mr. Jefferson, Mr. Madison, and Mr. Monroe.—James Barbour.—Marries Mildred Gilmer.—Pen Park.—Dr. Gilmer's Library.—Hospitality of the Country.—Dangers to which he was exposed.—Character of the Bar.—His Popularity and Free Habits.—Francis Walker Gilmer.—Thomas W. Gilmer, late Secretary of the Navy.—Dabney Carr and his Family.—Anecdote of Barbour, Carr, and Wirt.—State of Flu.—Death of Dr. Gilmer.—Rose Hill.—Letter to Carr.... 63

CHAPTER VI.

Happy Life at Pen Park.—Misfortune.—Death of his Wife.—Religious Impressions.—Determines to remove to Richmond.—Elected Clerk to the House of Delegates.—New Acquaintances.—Patrick Henry.—Resolutions of Ninety-Eight.—Re-elected Clerk at two succeeding Sessions.—Temptations to Free Living.—Trial of Callender for a Libel under the Sedition Law.—Wirt, Hay and Nicholas defend him.—Course of the Trial.—A Singular Incident.—Judge Chase.—Nullification.—Fourth of July Oration.—Embarrassed Elocution..... 73

CHAPTER VII.

Elected to the post of Chancellor.—Value of this Appointment.—Reasons for Accepting it.—Col. Robert Gamble.—Courtship.—A Theatrical Incident.—Second Marriage.—Removes to Williamsburg.—Letters to Carr.—Resigns the Chancellorship and determines to go to Norfolk.. 86

CHAPTER VIII.

Commences Practice in Norfolk.—Professional Success.—Letter to Pope.—Comments on the Parsimony of Judicial Salaries.—Birth of his Eldest Child.—Religious Sentiments.—Trial of Shannon.—Singular Case of Circumstantial Evidence.—Removes his Residence to Norfolk.... 98

CHAPTER IX.

The British Spy.—Enemies made by it.—Letters to Carr, with some Anecdotes connected with the Publication of the Spy.—His Opinion of that Work..... 105

CHAPTER X.

Success at Norfolk.—Project of a Biographical Work.—Patrick Henry.—St. George Tucker.—Letter to this Gentleman.—The Rainbow.—Letter to Edwards..... 117

CHAPTER XI.

Increasing Reputation.—Dislike of Criminal Trials.—Meditates a Return to Richmond.—An Old-Fashioned Wedding at Williamsburg.—Letters.—A Distaste for Political Life..... 131

CHAPTER XII.

Removes to Richmond.—A Professional Case of Conscience.—Defence of Swinney.—Chancellor Wythe.—Judge Cabell.—Letter to Mrs. W. on Swinney's Case.—Fondness for Music.—Letter to F. W. Gilmer.—Recollections of Pen Park..... 140

CHAPTER XIII.

Aaron Burr brought to Richmond. — Indicted for Treason.—Wirt retained as Counsel by the Government. — The Trial. — Some of its Incidents.—The Asperity of Counsel.—Extracts of the Argument..... 149

CHAPTER XIV.

Burr's Trial Continued. — The Principal Argument in the Case.—Notices of Wirt's Share in it. — Mr. Mercer's Testimony.—His Description of Blennerhasset's Residence.—Other Incidents of the Trial.... 165

CHAPTER XV.

Public Agitation.—The Affair of the Leopard and Chesapeake.—Expectation of War. — Fourth of July. — Letter to Judge Tucker.—Wirt Projects the Raising of a Legion. — Correspondence with Carr in regard to it.—The Project meets Opposition.—Finally Abandoned.—War Arrested.—The Embargo..... 190

CHAPTER XVI.

Increasing Reputation.—Mr. Jefferson Proposes to him to go into Congress.—He Declines.—Determines to Adhere to his Profession.—He Defends Mr. Madison Against the Protest. — Letters of "One of the People."— Unexpectedly put in Nomination for the Legislature. — Letter to Mrs. W. on this Event.—His Repugnance to it.—Is Elected.—Correspondence with Mr. Monroe.—Letters to Carr and Edwards..... 207

CHAPTER XVII.

His Service in the Legislature.—Preference for Private Life.—Letters to Edwards. — Literary Dreams. — Acrimony of Party Politics. — Education.—Misgivings in regard to the Government..... 235

CHAPTER XVIII.

Resumes the purpose of Writing the Biography of Patrick Henry.—Consults Mr. Jefferson on this Subject.—Letters to Carr.—New England Oratory.—The Sentinel.—Letter to B. Edwards.—Death of Col. Gamble.—The Old Bachelor.—Letters Concerning it..... 248

CHAPTER XIX.

The Old Bachelor.—Contributors to it.—Character of the Work.—Amusing Correspondence between Wirt and Carr in Reference to it.—Carr's Promotion to the Bench.—The post of Attorney-General vacant.—Wirt spoken of.—His Thoughts upon it.—Letter to his Daughter.—Employed by Mr. Jefferson in the Batture Case.—Correspondence with Mr. J. in reference to Duane.—Mr. Madison and Mr. Gallatin..... 265

CHAPTER XX.

The War.—Its Excitements.—Wirt Declines a Commission in the Army.—Volunteer Soldiery.—Life of Henry.—Burning of the Richmond Theatre.—Governor Smith.—Carr Appointed Chancellor, and Removes to Winchester.—Letters to him.—W. attempts to write a Comedy.—Judge Tucker's Opinion of the Influence of such Literature on Professional Character.—Difficulty of Comedy.—Professional Dignity.—Richmond Bar.—Anecdote of a Trial between Wickham and Hay.—Epigram.—Warden.—Letter to Carr.—Tired of the Old Bachelor.—Biography.—Letter from Judge Tucker on this Subject.—Incidents of the War.—British ascend to City Point.—Wirt Raises a Corps of Flying Artillery.—Letter to Mrs. W.—To Dabney Carr.—Gilmer, a Student of Law.—Letter of Advice to him 297

CHAPTER XXI.

Contentment.—Prosperous Condition.—Letters to Carr.—To Mr. Lomax.—Opinion of Cicero.—Views of the War.—Extravagant Opinions.—Letter to Gilmer.—Campaigning.—Insubordination of the Militia.—Visit to Washington.—Congress.—Unfavourable Aspect of Affairs.—Madison.—Webster.—Aversion to Public Life.—Engagement in the Supreme Court.—Postponed 325

CHAPTER XXII.

Visits Washington to Attend the Court.—Returns.—Peace Restored by the Treaty of Ghent.—Letter to Gilmer.—Resumes the Biography of Henry.—Difficulties of this Work.—Scantiness of Material.—The Author weary of it.—Letter to Carr on the Subject.—Dabney Carr the Elder.—The Origin of the Continental Congress.—Peter Carr.—Letters to Carr and Gilmer.—George Hay Resigns the Post of District Attorney.—Wirt Recommends Upshur to the President.—Moderation of Political Feeling.—Mr. Madison Appoints Wirt to the Office.—Correspondence in Reference to this Appointment.—Makes his Debut in the Supreme Court.—Encounters Pinkney.—His Opinion of Pinkney.—Letter to Gilmer.—Letter to Carr on "The Path of Pleasure," and his Opinion of this Dramatic Attempt.—Correspondence with Mr. Jefferson on the Subject of the Biography.—Letter to Richard Morris..... 341

INTRODUCTION.

A NARRATIVE of the life of WILLIAM WIRT will present us the career of one who, springing from an humble origin, was enabled to attain to high distinction amongst his countrymen. Whether the incidents of that career are sufficiently striking to communicate any high degree of interest to his biography, the reader will determine for himself in the perusal of these pages. Mr. Wirt's life was, in great part, that of a student. His youthful days were passed in preparation for his profession. His manhood was engrossed by forensic labours. Old age found him crowned with the honours of a faithfully earned juridical renown.

His social life was one of great delight to his friends. It was embellished with all the graces which a benevolent heart, a playful temper and a happy facility of discourse were able to impart. With mankind, beyond the circle of his personal friends, he had no great acquaintance. He was not much of a traveller. Occasionally touching upon the confines of political life, he was, nevertheless, but scantily entitled to be called a statesman. For twelve years Attorney General of the United States, and consequently a member of the Cabinet through three Presidential terms, his participation in government affairs went very little beyond the professional duties of his office. He had a strong talent and, with it, an eager inclination for literary enterprise. To indulge these was the most ardent wish of his mind; but the pressure of his circumstances kept him under a

continual interdict. What he has given to the world, therefore, in this kind, is small in amount, and given under conditions that should almost disarm criticism. The few works which he has left behind, however will be found to merit, as in his lifetime they received, the praise due to the productions of an instructive and pleasant writer.

A life confined to the pursuits indicated in this sketch, may not be expected to charm the reader by the significance of its events. It is much more a life of reflection than of action; more a life of character than of incident. I have to present to the world a man greatly beloved for his social virtues, the illustrations of which are daily fading away with the fading memories of contemporary friends, now reduced to a few survivors: a man of letters and strong literary ambition, but who had not the leisure to gratify a taste in the indulgence of which he might have attained to high renown: a public functionary, who had no relish for politics, and who was, consequently, but little identified with that public history which so often imparts the only value to biography: a lawyer who, with a full measure of contemporary fame, has left but little on record by which the justice of that fame might be estimated.

These are the chief impediments to the success of the task I have assumed. Yet I do not doubt that, from the material at my disposal, I shall be able to furnish an agreeable image of a man whose character will win the affections of the generation which succeeds him, as it did of those amongst whom he lived.

LIFE OF WILLIAM WIRT.

CHAPTER I.

1772—1783.

PARENTAGE OF WILLIAM WIRT.—HIS BIRTH.—WILL OF JACOB WIRT.—PATRIMONY.—AUTOBIOGRAPHICAL MEMOIR OF TEN YEARS.—BLADENSBURG.—THE SCHOOLMASTER.—MOTHER AND AUNT.—A THUNDERSTORM.—OLD INHABITANTS OF BLADENSBURG.—THE DANCING MASTER.—A GHOST STORY.—PERFORMANCE ON THE SLACK WIRE.—LEE'S LEGION.—THE YOUNG DRUMMER.—MR. ROGERS' SCHOOL IN GEORGETOWN.—MRS. SCHOOLFIELD.—MRS. LOVE AND HER FAMILY.—RURAL LIFE AND ITS IMAGES.—MR. DENT'S SCHOOL, CHARLES COUNTY.—ALEXANDER CAMPBELL.—THE PEACE.—DAY DREAMS.—COLONEL LEE.—MR. HUNT'S SCHOOL IN MONTGOMERY.—EARLY ACQUAINTANCES.—MUSIC.—A FOX HUNT.

Those who best remember William Wirt, need not be reminded how distinctively his face and figure suggested his connection with the German race. The massive and bold outline of his countenance, the clear, kind, blue eye, the light hair falling in crisp and numerous curls upon a broad forehead, the high arching eyebrow, the large nose and ample chin, might recall a resemblance to the portrait of Goethe. His height rather above six feet, his broad shoulders, capacious chest and general fullness of development, were equally characteristic of his Teutonic origin. The ever-changing expression of his eye and lip, at one moment sobered with deep thought, and in the next radiant with a rich, lurking, quiet humour that might be seen coming up from the depths of his heart and provoking a laugh before a word was said—these were traits which enlivened whatever might be supposed to be saturnine in the merely national cast of his features.

His father, Jacob Wirt, was from Switzerland:* his mother, Henrietta, was a German. Jacob, with his brother Jasper Wirt, had settled in Bladensburg, in Maryland, some years before the war of the Revolution. Jacob had six children, three sons and three daughters, of whom William was the youngest. He had gathered some little property in Bladensburg, and supported his family there chiefly by keeping a tavern, the avails of which, together with some small rents accruing from a few lots in the village, enabled him, in an humble way, to maintain a comfortable household.

William was born on the 8th of November, in the year 1772. In less than two years after this date, Jacob Wirt died, leaving a small heritage to be divided between his wife and children. His will, which is on record in Prince George's county, assigns to his wife Henrietta "one half lot of ground in Bladensburg, No. 5, on which the billiard room is built, and on which I am now building a new house." After her death this lot was to "be appraised and to descend to my eldest son, Jacob Wirt, provided he pay out of the appraised value of said house and half lot, to each of my other children, one equal part, share and share alike, to wit: to my daughters Elizabeth, Catharine and Henrietta, and my son Uriah-Jasper and William,—to each and every of which I give and bequeath one equal part of the appraised value of the above premises." The will mentions, besides this property, "the brick store in Bladensburg," rented at twenty-five pounds sterling per annum to Cunningham and Co.;—and "my tavern in which I now reside, with the back buildings, stables and lot, also the counting house before the tavern door and the smith shop." We have also a reference to two lots of ground in "Hamburg near Georgetown," and some personal estate.

This is a summary of all the worldly goods which Jacob Wirt, in the year 1774, left to be divided between his wife and six children. Henrietta Wirt, the mother of the family, died before William attained his eighth year. How much of the property we have enumerated remained in the family at that period, we have no means of knowing. The whole value of these Bladensburg and Hamburg lots, we may

* The name of Wirt or Wirth is familiar to the annals of Switzerland. The reader conversant with the history of the Reformation, will remember the unhappy fate of Adam Wirth, the deputy bailiff of Stammheim, and his two sons, John and Adrian, at Baden in 1524.

conjecture, amounted to no great sum,—perhaps not more than three or four thousand dollars. Divided, it afforded but small provision for each of the children.

It is probable that William was born in the little hotel of the village, mentioned in the will; and as this building is directed to be rented out, we may suppose that the family moved, after the death of Jacob Wirt, to the "new house" on lot No. 5. I have, in vain, endeavoured to ascertain in the village, from its present inhabitants, the truth of these conjectures, or to identify either of the houses referred to.

There are but few memorials of the family left. Humble labour with its lowly roof and frugal board may find a happy fireside, but it has few chroniclers. What is accessible to us of the history of that fireside, in whose rays the infancy of William Wirt found a cheerful and healthy light, we owe chiefly, almost wholly, to a pleasant and playful memoir which the subject of it, then Attorney General of the United States, wrote at the request of his children, in 1825, to amuse them with recollections which, it is easy to discern, still more delighted himself.

This little fragment of autobiography runs over the first ten years of the author's childhood. It is a homely, warm-hearted remembrance of a simple time, sketched, with a lively pencil, by one who never lost sight in the zenith of a brilliant fame of his obligations to those who watched his first steps and protected his earliest infancy.

I shall extract from these reminiscences what I find useful to my present purpose, without venturing to submit the whole to the eye of the public. They dwell upon incidents which, however grateful in the telling to that affectionate circle to whom the memoir was addressed, and who could find in it a thousand memories of family endearment, would, I am fearful, be considered sometimes too trivial to excite the interest of those who are strangers to the genial spirit and household mirthfulness of the writer. Even for the extracts which I may submit, I must deprecate, on this score, the too rigid criticism or fastidious comment of my reader,—asking him to remember that a father, discoursing to his children assembled around their own hearth, on topics which derive their agreeable savour from their love to him, may claim a dramatic privilege from the critic, to

have his performance judged by its adaptation to the scene, the time, the place and the persons.

With this endeavour to forestall the judgment of the reader,—indeed to bespeak his good nature—towards what it is proposed to disclose of the memoir, I would remark, by way of comment on the greater portion of these extracts, that Mr. Wirt's character was, to the latest period of his life, singularly impressed by the vivacity of his imagination. He was greatly sensitive to the influence which this predominance of the ideal had in shaping his career, and has endeavoured in the memoir, to trace the source of some distinctive currents of his life to the impressions made upon his imagination in childhood. Every one has felt these influences in greater or less degree, and most persons may be able to find in their own history some particular complexion of mind or form of habit and opinion traceable to such causes. In Mr. Wirt the effect of such influences was visible, in a very striking degree, to his friends. This may, perhaps, appear also to the reader in the course of this biography.

Bladensburg has been, for many years past, a quiet,—I may even say, without meaning unfriendly disparagement—a drowsy and stagnant little village, well known by its position on the wayside of a great thoroughfare to the national metropolis, from which it is but a few miles distant. It is somewhat famous in our annals, not only as a neutral ground where many a personal combat has decided what the world has chosen to call a point of honour, but also as the field where higher questions were put to mortal arbitrement, when the British army, in 1814, disputed with an American host for the possession of the capital. For many years past,—from a date before the commencement of the present century,—this village has been not only stationary in its growth, but even falling gradually away under the touch of time. During a great portion of this period, it was enlivened by the daily transit of some half dozen or more mail coaches, plying through to and from the capital of the United States. Twice a day the silence which brooded over its streets was broken by the blowing of horns, the clamour of stable-boys hurrying with fresh relays of horses to the doors of rival stage houses, and by the rattle of rapidly arriving and departing coaches. But even these transient glories have vanished. The rail-road, which touches only on the border of

the village, has now displaced the old stage-coach, and the village slumbers are no longer broken.

Previous to the Revolutionary war this village had a different fortune. It was then a thrifty, business-driving, little sea-port, profitably devoted to the tobacco trade, of which it constituted, at that day, quite an important mart. It was inhabited by some wealthy factors who had planted themselves there in connection with transatlantic houses, and whose mode of living, both in the character of their dwellings and in the matter of personal display, communicated a certain show of opulence to the town.

Whilst it was yet in its flourishing era, William Wirt was one of the children most familiar to its firesides—a lively, shrewd, pleasant-tempered and beautiful boy, upon whom many eyes were turned in kindly regard, though with little foresight, perhaps, of that rising fortune to which he was destined.

Touching these days he shall now speak for himself.

His reminiscences begin at some three or four years of age, when he was first sent to school. It does not often fail that our strongest recollection of infancy goes back to the schoolmaster,—that high authority whose lineaments are indelibly stamped upon the memory of childhood. Who does not remember the awe and reverence with which his young imagination invested the pedagogue beneath whose sceptre he was first taught to bow? To the child who, yet callow, looks tremblingly upon all beyond the roof-tree, the image of the schoolmaster is the embodiment of all power and all knowledge—teacher, sage, seer, magician. The trace he leaves of his form and face, his gait, his voice, his vestments, his uprising and down-sitting, incoming and outgoing, is not a thing of memory merely,—it is an assimilation of something into our organism, an incorporation of his identity with our own, which we perceive as we perceive ourselves some half century back.

Our present reminiscence, in the memoir, naturally begins with this image.

"The schoolhouse was across the street at the farther corner of the opposite square. The schoolmaster was Elisha Crown, an Englishman; a middle-sized man, stoop-shouldered, spare, rather thin-faced and of a dark complexion. He wore a suit of blue cloth, coat, waist-

coat and small-clothes, with black horn buttons, an old-fashioned cock-and-pinch hat, *the pinch in front, far projected and sharp,* a pair of silver shoe-buckles,—and was a very respectable looking old-fashioned gentleman." This picture may remind us of Hogarth's "Politician," with "the pinch" so far projecting that the candle burns a hole through it.

"The school was transferred about a mile into the country, on what was then the road from Bladensburg to Georgetown, Mr. Crown's house being on one side of the road and the school-house on the other—both of them log houses. The dwelling-house, or a house built on the same site, is now (1825) standing, and the foundation of the old schoolhouse is still visible. The land and house belonged to my uncle Jasper Wirt, whose eldest daughter Mr. Crown had married, and whose dwelling, a single-storied brick house, was not more than a quarter of a mile off, and is also still standing."

We pass now from the schoolmaster and his concerns, to an incident connected with this dwelling of Jasper Wirt, and to a pleasant family picture. The minute recollection of this incident will illustrate that sensitiveness of imagination to which we have referred.

"My mother had come over from Bladensburg, one summer evening, on a visit to my aunt, and after school I went down to join her. My aunt dwells upon my memory in strong colours. She was a tall and rather large-framed woman, with a fair complexion and a round face, that must have been handsome in her youth. She was a native of Switzerland, and had a cast of character that made her worthy of the land of William Tell. A kinder being never lived. She was full of all the charities and courtesies of life, always ready to suggest excuses for the weaknesses and frailties of others, yet without any frailty or weakness of her own that I could discover.

"She was religious, a great reader of religious books; and had a large, old folio German Bible, bound either in wood or hard black leather, with silver or brass clasps. Often have I seen her read that book with streaming eyes and a voice half choked with her feelings.

"On the evening that I am speaking of, there was one of the most violent thunderstorms I have ever witnessed. My aunt got down her Bible and began to read aloud. As the storm increased she read louder and louder. My mother was exceedingly frightened. She

was one of the most tender and affectionate of beings; but she had the timidity of her sex in an extreme degree,—and, indeed, this storm was enough to appal the stoutest heart. One flash of lightning struck a tree in the yard and ripped off a large splinter, which it drove towards us. My mother shrieked aloud, flew behind the door and took me with her. My aunt remained firm in her seat and noticed the peal in no other way than by the increased energy of her voice. This was the first thunderstorm I remember. I never got over my mother's contagious terror until I became a man. Even then, and even yet, I am rendered much more uneasy by a thunderstorm than, I believe, I should have been if my mother had, on that occasion, displayed the firmness of my aunt. I could not have been more than five or six years old when this happened. The incident and its effect on me show the necessity of commanding our fears before our children."

Another incident—

"On our way home from the schoolhouse to Bladensburg the road passed by an old field, on the outer margin of which a negro man had been buried who, it was reported, had been whipped to death by his master. Besides the boys, who went to this school from Bladensburg, there were several from the neighbourhood, and, amongst others, one whom I remember only as Zack Calvert. This boy had one evening been detained at school after all the rest of us had gone home, and had to pass the old field after daylight was gone. The next morning —full well do I remember how he made my flesh creep and my hair rise, by telling us that, in passing the field, the night before, he heard a whip-poor-will, which sate upon the gravestone of the negro, cry out 'whip him well—whip him well—whip him well,'—and that he could hear a voice answering from below, 'Oh pray!'—It was the first time that a superstitious emotion entered my mind, and I now recall how dreadfully sublime it was. My heart quaked, and yet there was a sort of terrible pleasure in it which I cannot define. It made my blood creep with horror to believe it: yet I would not have had it false. That terrible field was never afterwards passed at twilight without a race, in which I, as being youngest, was always behind, and consequently most exposed to the danger and proportionally terrified. I do not yet hear a whip-poor-will, without some of these misgivings of my childhood."

These are trifles in the review of them, though not without some small interest in connection with the person who has thought them worth recollecting. They call to memory some characteristics which his personal friends will not fail to recognise.

We have some pleasant descriptions of several merchants of Bladensburg of the old time; — of Mr. Christopher Lowndes — the "tall, spare old gentleman, in blue broadcloth and plush, and cocked hat" — remarkable for his politeness and suavity: — of Mr. Robert Dick, the silent, thoughtful man of business, residing in a beautiful mansion, "a long white house with wings, which stood on the summit of the Eastern Ridge which overlooks the town:" — Mr. Sidebotham, a stirring, busy, successful merchant, rosy from good living, who, in the old fashion of Maryland, had his bowl of toddy every day — a thorough John Bull, "proud, rough, absolute, and kind." We have shorter notices of Mr. Henderson, Mr. Huett, and Doctor Ross, Messrs. Campbell and Bruce, factors, with good capital at command. —Mr. Ponsonby was one of the magnates of the village,—a handsome man, graceful, lively, well-informed, and somewhat of the most noticeable for his beautiful bay horse, bright silver spurs, stirrups, bridle bit and whip mountings, all of glittering silver — very taking to the eye of William Wirt and the other children of the village.

In the humbler range of the inhabitants he has other equally pleasant memories.

"At the lower end of the town, towards Baltimore, the house nearest the Eastern Branch was occupied by old Mr. Martin, whom we used to call Uncle Martin — why, I know not. The Eastern Branch is subject to heavy freshets, which have flowed up to Mr. Martin's house, and sometimes overflowed the whole village. One of the most surprising and interesting spectacles to me, in those days, was this old man wading up to his waist, during a freshet, and harpooning the sturgeon. It was a whale fishery in miniature, and not less interesting to me at that date. The old man himself was an odd fish. He used to get fuddled and amuse himself with singing 'The Cuckoo's nest,' and attempting to dance a hornpipe to the tune of it. He was fond of me and petted me a good deal. I remember him with kindness. I became myself a hornpipe dancer by an occasion I will presently mention, and the old man was delighted to see me dance to

'the Cuckoo's nest,' sung by himself. His second daughter was a beautiful girl, whom I can just remember. The oldest son of my Uncle Jasper was in love with her, and I have a recollection of having heard him take leave of her, when he was going to sea to seek his fortune. He was accompanied by my eldest brother. They never returned, nor were ever heard of afterwards."

"I must not forget Colonel Tattison, as he called himself in Maryland — Colonel Degraves, as he called himself in Virginia, — the French dancing-master, whom I remember as a most symmetrical, elegant, and graceful person. To teach the new-fashioned minuet which he introduced into Bladensburg, he used to mark, for beginners, a large Z on the floor of the dancing-room with chalk, and that letter gave the figure of the dance. The house in which the school was kept stood some several hundred yards from where I lived, but whilst I was yet in petticoats, I used to steal away from home to see Tattison dance his minuet. — My eldest sister, a beautiful brunette, not then fully grown, was one of his scholars, and very nearly as good a dancer as her teacher. It is not in imitative childhood to admire any thing as I did the minuet, without learning immediately to dance it; and, of course, being a mere child, I soon became a subject of admiration myself as a minuet dancer. I remember that at the wedding of the eldest daughter of that John Martin, whom I have mentioned, my sister put a cocked-hat on my head, and took me out to exhibit me and herself in the French minuet — the graceful management of the hat, putting it on and off, being an essential part of the dance. The old schoolmaster, Mr. Crown, was present, and being much dissatisfied with the admiration lavished on the French dance (solely because it was *French*), he took out a lady to show how much superior the old English minuet was. That was danced in the figure 8, and, like the French, by a gentleman and lady only. In passing each other in the centre of the figure, there was a moment when the gentleman and his partner were back to back. The minuet time and step being very slow, this uncourtly relation was continued until the parties arrived at the ends of the figure and faced about.

"Mr. Crown considered it the quintessence of politeness to abbreviate this period, by setting off in full run to gain the upper end and

present his face. The old gentleman's dress — his sharp cock-and-pinch, his long-waisted blue coat, his red waistcoat, very long, and his very short breeches — gave him an air so grotesque, whilst executing this run to the extreme end of the room, as to produce an explosion of laughter. Such — as Camden says on a somewhat different occasion — was the plain and jolly mirth of our ancestors!"

Here follows a ghost story —

"There was another incident to which this wedding gave rise. A dance was given, on a subsequent night, to the wedding party, at our house. When the company had danced themselves weary, Tattison proposed to close the evening by raising a ghost. The matrons objected to it, as a light and impious trifling with solemn subjects; but Tattison assured them, with equal gravity, that he had the power of raising any ghost they would call for, and that he could give them conclusive proof of it: that if any one would go up stairs and consent to be locked up in the room farthest removed from the company below, the stair door should also be locked, so that no possible communication could be held between the person above and those below. After this the company might fix on a ghost whom he, the operator, would cause to appear to the person up stairs. The graver part of the company still discouraged the experiment; but the curiosity of the younger and more numerous prevailed, and nothing was wanting but a sitter up stairs to enable the Frenchman to give proof of his skill in the black art. After some hesitation amongst all, a Mr. Brice of Alexandria agreed to be closeted. He was accordingly taken up stairs. The door of the room into which he was introduced was locked, and after that the door of the stair below, which opened from the stairs upon the dancing-room. Tattison then asked for a shovel of live coals, some salt, brimstone, and a case-knife. Whilst these things were getting, he proposed that the women should, in a whispering consultation, agree upon the ghost to be raised, and report it secretly to him. This was done; and the ghost agreed upon was to be that of John Francis, a little, superannuated shoemaker, who had died some few years before — in his latter days a ludicrous person, whose few remaining locks were snowy white, with a nose as red as Bardolph's, and eyes of rheum — and who was accustomed to sing, with a paralytic shake of the head and tremulous voice,—

'What did we come here for? what did we come here for?
We came here to prittle prattle,
And to make the glasses rattle;
And that's what we came here for.'

"The habit of drinking was so inveterate upon him that he had not been able to walk for some years before his death, except with the help of another, and then with but a tottering step. The annunciation of his name was answered by a half-suppressed laugh around the room. The difficulty of the Frenchman's task was supposed to be not a little increased by attempting to make John Francis's ghost walk alone. He, however, nothing daunted, began his incantations, which consisted of sprinkling salt and brimstone on the coals, muttering over them a charm in some sort of gibberish, and knocking solemnly on the stair door with the butt of his case-knife. These strokes on the door were as regular as the tolling of a bell, each series closing with a double knock; then came a pause, another series of knocks closed by another double stroke, and so on to the end of the ceremony.

"The process was long and solemn, and there was something in the business itself and in the sympathy with the imagined terrors of the witness above, which soon hushed the whole assembly into a nervous stillness akin to that of young children listening to a ghost story at midnight. In about half an hour the ceremony was closed, in a shower of blows and the agitated cries of the Frenchman. Brice was heard to fall on the floor above. The Frenchman rushed up stairs at the head of several of the company; and there our sitter was found on the floor in a swoon. He was brought to with the aid of cold water, and on reviving said he had seen a man enter the room with a coal of fire on his nose, and on his forehead written in fire the name of John Francis. — It was agreed, on all hands, to be very strange; and many shook their heads significantly at Tattison, intimating that he knew more than he ought, and that it was not very clear he was fit company for Christian people. No one was disposed to renew the dance, and the party broke up. The Frenchman, with his characteristic politeness, flew to the door to help the ladies down the steps, when he saw, standing outside of the door, close at hand, a gigantic phantom arrayed in white and arms stretched wide, as if to receive him. He shrieked, leaped from the steps and disappeared."

This was plot and counterplot.—Next comes that wonder of childhood, the Wire Dancer, with his balancings and other accomplishments.

"About the same period when Tattison was figuring in our village, we had another exhibition still better fitted to gratify my love of the picturesque, and awaken whatever of fancy belonged to me. This was Mr. Templeman, a dancer on the slackwire. The exhibition was in Tattison's dancing-room. We got there at early candle-light. The room was brilliantly lighted. A large wire fastened at each end of the room, near the ceiling, hung in a curve, the middle of it within twelve or fifteen inches of the floor. I remember the pouring in of the company till the room was filled, as the phrase is, 'with all the beauty and fashion of the place.' Still better do I remember, after a note of preparation from another room, which bespoke and commanded silence, the entrée of Templeman — a tall man, superbly attired in a fanciful dress; of a military air, with a drum hung over his shoulder by a scarlet scarf. It was such a picture as I had never seen. Saluting the company with dignity, he placed himself upon the wire; then giving a hand to his attendant, he was drawn to one side of the room, and, being let go, swung at ease,—beating the drum like a professional performer. He performed all the usual exploits, balancing hoops, swords, &c.,—and, to crown the whole, danced what I had never seen before, a hornpipe, in superior style;—his spangled shoes, in the rapidity of his steps, producing upon me a most brilliant effect. My own imitative propensity came again into play, and I became a celebrated hornpipe-dancer before I was six years of age;—meaning by *celebrated*, such celebrity as spread through about one-third of our little village. The image of Templeman arose before me as something of another age, or another sphere when, about forty years after I had seen him swinging in such splendour on the wire, I met in Washington a well-dressed gentleman-like person, somewhat corpulent, who was made known to me as the paragon of my childish admiration, converted into a plain citizen, and an extensive dealer in city lots."

We have now some pictures of the Revolutionary war.

"Before I left Bladensburg to reside in it no more, which happened in my seventh year, another event occurred which rests vividly

upon my recollection. This was the passage of Lee's Legion through the village. I presume this occurred when Lee was detached from the north to support General Greene in the south. I remember the long line of cavalry in the street, the large beautiful horses and fine-looking men in uniform, and a particular individual who was pointed out to me as a relation to my family. His hair was loose, long, black and frizzled, and flowed over his broad shoulders, sweeping down to his saddle. General Lee, whom I knew well in after-times, has repeatedly mentioned this individual to me as an officer (a subaltern, perhaps) of great merit; which fixes the fact that the cavalry I saw was of Lee's Legion. It extended along the street until the head of the column had turned the corner at the lower, the southern, extremity of the village, before the rear came in view:—a spectacle well calculated to fill the imagination, and stamp itself deeply on the memory of a boy of my age.

"It must have been at the same time that a body of infantry of the Continental army, was in Bladensburg,—perhaps, also, a part of Lee's Legion. There was among them a doctor whose name, it strikes me, I have heard mentioned as a surgeon in Lee's corps. The only thing, in the way of rebuke, I recollect to have ever received from my dear mother, was occasioned by an incident connected with these troops. The continual musters of militia in Bladensburg, with the drum and fife, had made me a drummer from a period so early that I have no recollection of its commencement. My ear was naturally good, and I was a singer for the amusement of company from the time that I could speak, and perhaps sooner. The accuracy of my ear and my imitative propensity kept me drumming on the tables and on the floors and singing the common marches of the time, with such directness and dexterity that it attracted the attention of others. An old gentleman whose name I cannot now recall, drew out of his bosom one day, a pair of small drumsticks, which he had had made for me and painted blue, and gave them to me as a present. I had no drum, but with these sticks I pursued my drumming exercise with such effect that I could soon beat time as accurately as any drummer in the army. This was the state of my proficiency when the troops aforesaid marched through Bladensburg. Pushing and peering about them, I found myself, one day, at the baker's in a room where the soldiers were

drinking, and where there were drums and fifes in plenty. The baker was a merry-hearted man, and, upon seeing me, had a drum and fife paraded, and the drumsticks put into my hands. I set to beating, with the accompaniment of the fife too. It was my first exhibition. I performed with so much animation and success that the soldiers were astounded. The drum-head was soon covered with as many pieces of silver coin and pennies as filled both my hands. It was on occasion of my carrying these home in triumph, that my honoured and beloved mother gave me a rebuke against taking money presents, which fashioned my character in that particular for life."

"In 1779, I was sent to Georgetown, eight miles from Bladensburg, to school — a classical academy kept by Mr. Rogers. I was placed at boarding with the family of Mr. Schoolfield, a quaker. They occupied a small house of hewn logs at the eastern end of Bridge street. Friend Schoolfield was a well-set, square-built, honest-faced and honest-hearted quaker:—his wife one of the best of creation. A deep sadness fell upon me, when I was left by the person who accompanied me to Georgetown. When I could no longer see a face that I knew, nor an object that was not strange, I remember the sense of total desertion and forlornness that seized upon my heart—unlike any thing I felt in after years. I sobbed as if my heart would break for hours together, and was utterly inconsolable notwithstanding the maternal tenderness with which good Mrs. Schoolfield tried to comfort me. Almost half a century has rolled over the incident, yet full well do I recollect with what gentle affection and touching sympathy she urged every topic that was calculated to console a child of my years. After quieting me in some measure by her caresses, she took down her Bible and read to me the story of Joseph and his brethren. It is probable I had read it before, as such things are usually read,— without understanding it. But she made me comprehend it; and in the distresses of Joseph and his father I forgot my own. His separation from his family had brought him to great honour, and possibly mine, I thought, might be equally fortunate. I claim some sense of gratitude. I never forget an act of kindness, and never received one that my heart has not impelled me to wish for some occasion to return it. So far as my experience goes, I am persuaded, too, that doing an act of kindness and, still more, *repeated* acts to the same individual,

are as apt to attach the heart of the benefactor to the object, as that of the beneficiary to the person who does him the service. It was so in this instance. I went to see Mrs. Schoolfield after I became a man, and a warmer meeting has seldom taken place between mother and son

"I passed one winter in Georgetown, and remember seeing a long line of wagons cross the river on the ice. I conjecture that it was the winter of 1779–80, and that these wagons were attached to the troops already mentioned, which were going to the south. I remember also to have seen a gentleman, Mr. Peter, I think, going out gunning for canvass-backs—then called white-backs—which I have seen in those days whitening the Potomac, and which when they rose as they sometimes did for half a mile or a mile together, produced a sound like thunder. I mention this—being struck with the different state of this game now on the Potomac."

This school of Mr. Rogers left no pleasant impression on the mind of the pupil. He remained there less than one year, changed his boarding-house, and, getting from under the eye of good Mrs. Schoolfield and her household, fell into associations with others not so kind. Richard Brent, Esq., a gentleman once distinguished in the House of Representatives, but long since dead, was a fellow-student at Georgetown school.

The recollections now carry us to another quarter.

"From Georgetown I was transferred to a classical school in Charles county, Maryland, about forty miles from Bladensburg. This school was kept by one Hatch Dent, in the vestry-house of Newport Church. I was boarded with a widow lady by the name of Love, and my residence in her family forms one of the few sunny spots in the retrospect of my childhood. Mrs. Love was a small, thin old lady, a good deal bent by age, yet brisk and active. The family was composed of her and three maiden daughters, of whom the eldest, I suppose, was verging on forty, and the youngest, perhaps, twenty-eight. She had a son married and settled in the neighbourhood. The eldest daughter was named Nancy, a round, plump and jolly old maid, who was the weaver of the family, and used to take a great deal of snuff. The second was Sally. She presided over the dairy, which was always neat and sweet, and abundantly supplied with the richest cream and

butter. Sally was somewhere about thirty, short, rosy and brisk, with a countenance marked by health and good-humour, and with one of the kindest hearts that beat in the bosom of her kind sex. She was fond of me, banqueted me on milk and cream to my heart's content, admired my songs, and sang herself. From her I first heard Roslin Castle. Her clear and loud voice could make the neighbourhood vocal with its notes of touching plaint. From her, too, I first heard the name of Clarissa Harlowe, and she gave me, in her manner, a skeleton of the story. Peggy, the youngest, was pale and delicate, with more softness of manners than the others. She was the knitter and seamstress of the household; of very sweet disposition, with a weak and slender, but kindly voice. She did not sing herself, but was very fond of hearing us who did. There were two boys of us near the same age. Johnson Carnes was rather older and larger than me. He was a good, diffident, rather grave boy, with better common sense than I had. But he did not sing, was rather homely, and had no mirth and frolic in him. I, on the contrary, was pert, lively and saucy, and they used to say *pretty* withal—said smart things sometimes, and sang two or three songs of humour very well. One was Dick of Danting Dane, in which the verse about 'my father's black sow' was a jest that never grew stale, nor failed to raise a hearty laugh. Another was a description of a race at New Market between two horses called Sloven and Thunderbolt. Sloven belonged to some Duke — perhaps the Duke of Bolton. The verse ran, as I remember—

> 'When Sloven saw the Duke his master,
> He laid back his ears and did run much faster.'

"Besides my singing, I danced to the astonishment of the natives, and, altogether, had the reputation of a genius. Thus admired, flattered and feasted with milk and cream, Roslin Castle and Clarissa Harlowe, &c., what more could a child of my age want to make him happy! The very negroes used to be pleased to contribute to my amusement. Old Moll carried me to the cowpen, where she permitted me, with a clean, broad splinter, prepared for the purpose, to whip the rich froth from the milk-pail; and her son George, after a hard day's work in the field, came home at night and played the horse for me, by going on all fours, in the green yard, with me mounted

upon his back,—he going through the feats of an imaginary fox-hunt, sounding the horn and leaping over imaginary fences, gates, &c.—all of which was life and joy to me. To crown all, I had a sweetheart; one of the prettiest cherubs that ever was born. The only thing I ever thanked Nancy Love for, was giving me the occasion of becoming acquainted with this beautiful girl. She took me with her once on a visit to her aunt Reeder. Mr. Thomas Reeder lived on the banks of the Potomac, just above Laidlowe's, and opposite to Hooe's Ferry. In those days, there was a ferry from Reeder's to Hooe's. The house was of brick, situated on a high, airy bank, giving a beautiful view of the Potomac, which is there four miles wide. Peggy Reeder was the only child of her parents,—about my own age, rather younger, and as beautiful as it is possible for a child to be. We fell most exceedingly in love with each other. She was accustomed to make long visits to her aunt Love, and no two lovers, however romantic, were ever more happy than we. On my part, it was a serious passion. No lover was ever more disconsolate in the absence of his mistress, nor more enraptured at meeting her. I do not know whether it is held that the affections keep pace with the intellect in their development; but I do know that there is nothing in the sentiment of happy love, which I did not experience for that girl, in the course of the two years when I resided at Mrs. Love's. When I left there, we were firmly engaged to be married at the following Easter. I felt proud and happy, not in the least doubting the fulfilment of the engagement at the time appointed." * * *

"As for school, Mr. Dent was a most excellent man, a sincere and pious Christian, and, I presume, a good teacher—for I was too young to judge, and, in fact, much too young for a Latin school. In the two years, Johnson Carnes and myself got as far advanced as Cæsar's Commentaries—though we could not have been well grounded, for when I changed to another school, I was put back to Cornelius Nepos. Mr. Dent was very good tempered. I do not remember to have received from him a harsh word or any kind of punishment but once. His school was crowded. I can recall none of the scholars who attained much distinction, except one who was with us but a short time—Alexander Campbell, who afterwards became celebrated as an orator in Virginia, and still more painfully celebrated for his

melancholy end. According to my recollection of him, when he came to Mr. Dent's, he was between eighteen and twenty years old. He had just taken a prize for eloquence at the school in Georgetown. In deportment, he was manly and dignified;—rather grave and thoughtful, though sometimes relaxing a little. I remember his puzzling me with *forte dux fel flat in gutture.* I recall, too, that perpetually tremulous and dancing eye-ball, by which, in common with others of his family, he was so strikingly marked.

"I never saw him after he left Mr. Dent's; but he was still figuring at the bar after I grew up, and went to commence the practice in the upper part of Virginia. I suppose he came to the bar several years after Chief Justice Marshall and Judge Washington, who must themselves have begun to practise after the Revolutionary war. Edmund Randolph qualified just before the Revolution, or, perhaps, at the point of its commencement; Patrick Henry about fifteen years earlier. Yet all these gentlemen were still at the bar when Mr. Campbell began his career. He appeared with them frequently in the same causes; and it is high praise, but no less just than high, to say, that even among them he was a distinguished man. He stood confessedly in the first rank of genius. In logic, he did not wield the Herculean club of Marshall; nor did he, in rhetoric, exhibit the gothic magnificence of Henry,—but his quiver was filled with polished arrows of the finest point, and were launched with Apollonian skill and grace. Some of the most beautiful touches of eloquence I have ever heard, were echoes from Campbell which reached us in the mountains. His arguments were much extolled for their learning and strength, as well as beauty. I have heard it said that Mr. Pendleton, the President of the Court of Appeals, spoke of Campbell's argument in the case of Roy and Garnett, reported by Mr. Washington, as the most perfect model of forensic discussion he had ever heard.—

"Poor fellow!—— * * * *

"He left a whimsical will, which I have seen, and in which was a request that no stone might be placed over his grave, for the reason that if a stone were placed over every grave, there would be no earth left for agriculture."

Leaving this digression, we go back to Mrs. Love's.

"I lived there, I think, until the year 1782, as perfectly happy as a child could be who was separated from his mother and the other natural objects of his affections. From the time I rose until I went to bed, the live-long day, it was all enjoyment, save only with two drawbacks—the going to school, and the getting tasks on holidays,—which last, by the by, is a practical cruelty that ought to be abolished. I never knew good to come of it, but much harm; for it starts across the child's path, like a goblin, throughout the holidays. The task is deferred until the last moment, then, either slubbered over any how or omitted altogether, and a thousand falsehoods invented to evade or excuse it. But these holiday tasks were the order of the day in my youth, and haunted me until the holidays no longer deserved the name. With the exception of these same tasks and a slight repugnance to daily school, Mrs. Love's was an elysium to me. It was a very quiet life, without the amusing incidents of Bladensburg and Georgetown. The only picturesque occurrence of which I have any recollection was the passage of a party of fox-hunters, with their dogs and horses, one day, by our dwelling-house. The public road to Allen's Fresh ran close by the gate, where I was standing alone, when this animated and noisy party dashed along. It was such an obstreperous invasion of the stillness of the country, and so entirely novel a spectacle to me, that I drew back from the gate and walked towards the house to get out of the way of the mischief of which they seemed full. One of the riders, observing my movement, put spurs to his horse and leaped the fence by the side of the gate, as if to frighten and pursue me; but I was rather too proud to run, and he returned to his party the way he came."

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"There was a barbacue at the Cool Springs, near Johnson Carnes' father's, to celebrate the return of peace. This was an idea, I well remember, which puzzled me exceedingly. Having known no other things but a state of war, I had no suspicion that there was any thing unnatural or uncommon in it. I must have heard continually of the battles that were fought, but I have not the slightest vestige on my memory of any such thing;—which can only proceed from the circumstance that battles, defeats and victories must have appeared to me as ordinary occurrences. I was exceedingly perplexed, therefore,

to understand the event which this barbacue celebrated. I had no distinct idea of the meaning of war and peace; and, after the explanation that was given to me, had still but vague and confused impressions of the subject. I presume that the event in question was the signature of the preliminary articles in 1781, when I was only nine years old. If I had been at any time nearer to the immediate seat of the war, the terrors of those around me might have startled me into a clearer perception of its character, and have prepared me the better to understand and enjoy the return of peace. As it was, I had never heard of it but at a distance and with composure, and had seen nothing of war but its 'pride, pomp and circumstance,' to which a boy at my age had no objection."

"I became sensible of the power of forming and pursuing at pleasure, a day-dream from which I derived great enjoyment, and to which I found myself often recurring. There was nothing in the scenery around me to awaken such vagaries. It was tame, gentle and peaceful. The house stood on a flat about half a mile wide and one mile long. On the east, the view was shut in by a hill of moderate height, which stretched along the whole length of the plain—gently undulating, verdant and adorned with a growth of noble walnut trees which were scattered over its sides and summit. This hill was the only handsome object in view. On every other side the plain was locked in by swamps or woods; so that there was neither incentive nor fuel for poetic dreams. Mine were the amusements of the dull morning walks from Mrs. Love's to the schoolhouse. It was a walk of about two miles, and my companion rather disposed to silence. I remember very distinctly the subject of one of these vagaries, from the circumstance of my having recalled, renewed and varied it again and again from the pleasure it afforded me. I imagined myself the owner of a beautiful black horse, fleet as the winds. My pleasure consisted in imagining the admiration of the immense throngs on the race-field, brought there chiefly to witness the exploits of my prodigy of a horse. I could see them following and admiring him as he walked along the course, and could hear their bursts of applause as he shot by, first one competitor, and then another, in the race. The vision was vivid as life, and I felt all the glow of triumph that a real victory could have given."

These imaginings were characteristic of the boy, and seem to have typified the peculiar nature of his aspirations in the more mature period of his manhood.

Here is a remembrance of a notable personage of the Revolution.—

"I must not forget a rencontre which I had with a very distinguished man at this period. It had happened that, on some former occasion, I had attracted the attention of Col. Lee, of the Legion already mentioned, as he passed through Bladensburg. A volume of Blackstone chanced to be lying on the table, near which he was sitting; and, showing me the title on the back of the volume, he asked me what I called it. I pronounced the word 'Commentaries' with the accent on the second syllable, and he corrected my *cachilology*, as Lord Duberly calls it. Upon the foundation of this slight acquaintance, I was recognized by this gentleman at Mr. Reeder's, where I had gone on a visit with one of the Miss Loves, and whither Col. Lee had come to cross the ferry, with his first wife, then, as I was told, newly married. He seemed quite pleased to meet me, took great notice of me, and, finally, insisted on my crossing the river with him to Hooe's, where he promised to give me some fine cherries. They who had care of me seemed to consider me and themselves much honoured by this notice of Col. Lee, and readily consented to his proposal. So, I was placed alongside of him in the boat, while his young wife, for the greater part, if not the whole of the passage, stood upon one of the benches, facing the breeze, which wantoned freely with her robes. She had a fine figure, and her attitude, as the boat rose and sank on the waves, was so strikingly picturesque as to remain strongly on my memory. The river is at this place four miles wide, and the beach and the opposite side is, at some states of the tide, so shallow that a boat cannot get quite to the shore, in which case passengers have to be borne to dry land in the arms of the ferryman. This was the case on the present occasion. Col. Lee and his wife were taken to the shore, where they, their servants, ferrymen and all moved off to the house at Hooe's, leaving me sitting alone in the boat to chew the cud of disappointment and neglect as well as I could. I was entirely forgotten:—but I did not forget this slight, in the reflections which, even then and often afterwards, the incident provoked.

After sitting alone in the boat for near an hour, unthought of by the person who had betrayed me into that situation, I was at last relieved by the ferrymen, who returning at their leisure, without either cherries or apology from Col. Lee, took me safe back to the more friendly bosoms I had left on the other shore."

"In 1783, I was removed from the grammar school of Mr. Dent in Charles county, to that of the Rev. James Hunt, the Presbyterian minister in Montgomery county, whom I have already mentioned. I was put to board with Major Samuel Wade Magruder, a substantial planter, who lived about two miles from Mr. Hunt's. The Magruders, at that time, formed a numerous family in that county. The original name, I have heard, was McGregor of Scotland, and the ancestors are said to have sought a refuge in this country, after the defeat at Culloden. The Major showed marks of Highland extraction. He was large, robust and somewhat corpulent, with a round florid face, short, curling, sandy hair, and blue-gray eyes. He was strong of limb, fiery in temperament, hospitable, warm-hearted and rough. He was a magistrate and *ex-officio* a conservator of the peace, which, however, he was as ready, on provocation, to break as to preserve. At times he was kind and playful with the boys; but wo betide the unfortunate boy or man who became the object of his displeasure!

"Mrs. Magruder was the sister of Col. Thomas Beall of Georgetown, and daughter, as I have understood, of the gentleman after whom Georgetown took its name—George Beall of that place. She was a small, spare old lady who had been handsome. Her countenance was strongly expressive of her gentle disposition. The contrast with her husband was very striking. She was quiet and generally silent. I do not remember having heard her speak a dozen times in the two years I lived in the family, and have forgotten the note of her voice. But the Major's I remember as the loud north wind that used to rock the house and sweep the snow-covered field. They had a large family — seven sons and four daughters. The grown sons were numerous and loud enough to keep the house alive, being somewhat of the Osbaldiston order, except that there was not a Rashleigh among them;—nor was there a Di Vernon among the girls.

"Besides the parents and children, there were divers incumbents

who drew their rations in the Major's house. There was, for a short time, a Col. Hamilton, who used to wear leather clothes,—coat and waistcoat included, — a thin, keen, active man, a little above middle age, who, I was told, had been a *Regulator* in North Carolina, — though I was then ignorant what the word meant, — and that he was rather in concealment and under the Major's protection.

"Then there was an interesting old gentleman, by name Thomas Flint, who had been an English schoolmaster, and had educated all the family except George and Patrick, who were destined for a classical education and a learned profession. Mr. Flint was upwards of fifty, "in fair round belly with good capon lined"—a good-looking man with a dark complexion, sharp, black eyes and shaggy brows. He had a son who was Major Magruder's overseer.

"Besides these, there were two apprentices:—one of them, Zack, a wild, slovenly, blackguard boy, cut out by nature for a strolling player, having a strong inclination to repeat fragments of speeches and scraps of plays which he had learned from the boys of the school; —the other was Harry, the son of the miller who was in the Major's employment, a modest and interesting young man, who disappeared in a mysterious way, the particulars of which I have forgotten.

"The mansion was a large two-storied brick house, built not long before I went there. In this his family proper lived. Within a few feet of it stood the old house, which had been the former residence of the family, but which was now occupied, at one end, by the overseer, and in the residue of its chambers by the school-boys and the two apprentices. Here, at night, we got our lessons and more frequently played our pranks.

"There were two boarders, besides myself: Walter Jones, son of Mr. Edward Jones, a rich planter of Frederick county, and Richard Harwood from Anne Arundel,—in after-times one of the Judges of a District in the State. For a short time the late Col. Thomas Davis of Montgomery, was one of our boarders and schoolfellows.—So that Major Magruder's household embraced not less than twenty white persons. To these there was a constant addition, by visiters to the young people of the family. It was, in fact, an active, bustling, merry, noisy family, always in motion, and often in commotion. To me it was painfully contrasted with the small, quiet, affectionate

establishment of Mrs. Love. There I had been the petted child and supreme object of attention. Here I was lost in the multitude, unnoticed, unthought of, and left to make my way and take care of myself as well as I could. My hair, which, under the discipline of Mrs. Love's daughters, was as clean and soft as silk, now lost its beauty. I had been spoiled by indulgence, and was really unfit to take care of myself. I did not know how to go about it. Yet there was no one to take care of me, or who showed any interest in me except Harry, the miller's son. Young as I was, I had reflection enough to compare the two scenes in which I had lived, to feel my present desolation, and to sigh over the past. The tune of Roslin Castle never recurred to my memory without filling my eyes with tears.

"There was another circumstance which embittered my residence at Mr. Magruder's. One of my companions was ill-tempered, and I do not know by what antipathy, I became the peculiar object of his tyranny. There was that in my situation which would have disarmed a generous temper. I was a small, feebly-grown, delicate boy; an orphan, and a poor one too: but these circumstances seemed rather to invite than to allay the hostility of this fierce young man. During the two years that it was my misfortune to be a boarder in the house and his schoolfellow, I suffered a wanton barbarity that so degraded and cowed my spirit that I wonder I have ever recovered from it. In this large family he was, however, my only persecutor. The rest were content to let me alone, and I became, at length, well content to be so. I can recall here the first experience I had of the refuge and comfort of solitude. Often have I gone to bed long before I was sleepy, and long before any other member of the household, that I might enjoy in silence and to myself the hopes which my imagination never failed to set before me. These imaginings rest on my memory with the distinctness of yesterday. I looked forward to the time when I should be a young man and should have my own office of two rooms, my own servant and the means of receiving and entertaining my friends with elegant liberality, my horse and fine equipments, a rich wardrobe, and these all recommended by such manners and accomplishments as should again restore me to such favour and affectionate intercourse as I had known at Mrs. Love's. I never

dreamt of any other revenge on my tormenting schoolfellow, than to eclipse him and reduce him to sue to me for friendship. Except these waking dreams which live so vividly in my remembrance, there are but few pleasant incidents to connect my recollections with those two years. Yet there are a few. One was the gratification I took in the visits of company to the house. Sometimes the young folks played cards, and I was not forbidden to sit in the room and see what was going on. One of these visiters is a gentleman, I believe, now living—Charles Jones. Although a very small boy, I recollect distinctly the drollery for which he is, even yet, so much distinguished, and with which he used then to set the tables in a roar. Maxwell Armstrong, our Latin usher,—and the only popular usher I have ever known—was another of the visiters, and a great favourite with me.

"There were two other visiters whom I saw only once each at the Major's, but whose visits led to one of my small accomplishments. Doctor Charles Beatty of Georgetown, brought up his flute and regaled the ladies one evening in the garden with his music. A Mr. Eckland, a Hessian or Prussian, a teacher of music in Georgetown, also came up on one occasion, when there was a great effort to get a musical instrument for him to play on. The house afforded nothing better than a wretched fiddle,—on which Major M. used to play, for his children, the only tune he knew, with these words—

'Three or four sheepskins
Wrong sides outwards;
Cut them down, cut them down,
Cut them down and tan them.'

"There was, besides, a cracked flute, from which no one of the family had ever been able to draw a note. Mr. Eckland repudiated the fiddle, but, with the aid of a little bees-wax to stop the crack, and a little water to wash and wet the bore, he made the flute discourse most eloquent music.—What a strange thing is memory! I can see the man at this moment, and hear him strike up 'the White Cockade'—for this was the first tune he played; and he threw it off with a spirit and animation of which Dr. Beatty had given me no idea. Thereafter, whenever the room was empty, I used to steal to the book-press in which that old flute was kept, and whispering in the aperture

—for I could not blow, and *dared* not, if I could—try to finger such tunes as I knew. In this way I learned to play several tunes, of which Yankee Doodle was the chief, before I could fill the flute with a single note.

"On one occasion, Dr. Smith, of Georgetown — the father of the very respectable family of that name now at that place, came up to Major M's. with two or three other gentlemen, bringing with him a large pack of hounds, in preparation for a fox-chase. This was a new incident to me, and full of the liveliest interest. On this occasion old Mr. Flint developed an accomplishment of which I had never suspected him. Having got pretty 'high up' with drinking, he sang a hunting song, and one of the old songs of Robin Hood, of which my children have often heard me sing several verses, caught from Mr. Flint's exhibition at this frolic. His picture is now before me—for he acted as well as sang, and repeated his verses as long as any one would listen. I slept but little the night before the hunt, and before day-break I was waked from my slumbers, by the turning of the hounds out of the cellar, and the uproar raised in the yard by them and the horns. I dressed myself quickly, and sighed, as the party moved off, because I could not follow them. On my way to school that morning, with what longing regret did I listen to the distant notes of the hounds in full cry upon their track, until the last sound was lost behind the remote woodland! To those who have not an ear for sounds, nor an eye for pictures, it would be incredible if I were to describe the effect which this scene had upon my imagination; and to this day I know nothing, in the way of spectacle or music, to compare, for its power of excitement, with a well-equipped and gay party of hunters, following a pack of hounds in full cry."

Here ends all that we are able to obtain from these simple and pleasant recollections. The writer broke them off abruptly at this early stage of his history, purposing to resume them when the graver duties of his high office might allow him again the refreshment of these draughts of youthful memory. His busy professional life forbade this indulgence, and has left us reason to regret that the same hand has not sketched his continued advance to manhood.

CHAPTER II.

1783—1787.

IMAGINATIVE TEMPERAMENT. — HIS STUDIES. — WHOLESOME INFLUENCE OF MR. HUNT.—HIS LIBRARY.—SKETCHES BY CRUSE. —VERSE-MAKING.—FIRST LITERARY EFFORT, A PROSE SATIRE ON THE USHER.—ITS CONSEQUENCES.—A SCHOOL INCIDENT.—A VICTORY.—VISIT TO THE COURT-HOUSE OF MONTGOMERY.—MR. DORSEY.—THE MOOT COURT.—ITS CONSTITUTION.—SCHOOL EXERCISES.

THE memoir which we have just closed presents us nearly all that is known of William Wirt up to his eleventh year. It sufficiently indicates the temperament of the boy, and gives us no slight glimpses of the future aspirations of the man. The lively pictures which it presents of those scenes and persons which dwelt on his memory, show how keenly his youthful observation was impressed by the quaint and grotesque images which surrounded him. They show, too, with what a relish he noted the simple rural objects and employments that were familiar to his childhood, and how true an eye and how true a heart he had for the kindly things and influences that fell in the way of his youthful experience. These qualities of mind and character continued to expand during his life, and were the constant source of that attraction which encircled him, to the last of his days, with troops of admiring friends.

We shall have occasion to note, more than once in the course of these pages, the poetical complexion of Mr. Wirt's mind, the somewhat prurient predominance of his imagination, and the alacrity with which he was ever ready to digress from the actual to the ideal of life. The almost inseparable quality of such a temperament is diffidence, that shy reserve which is much more frequently the result of pride and a high self-estimate than of humility. A sensibility to the criticism which our perception enables us to foresee and expect, from

those who are capable of a shrewd insight into our conduct, is most generally the source of that modesty which is observable in an ingenuous and quick-sighted boy. Its usual accompaniment is an exterior of thoughtfulness and quiet observation in the presence of the world, united with a gay, light-hearted ease amongst those in whom household association and familiar endearment have begotten that confidence which takes away the apprehension of censure. The observant eye of his aunt, with whom the orphan child had been domesticated in his tenderest age, detected this trait in his character, in the first years of their intercourse; and, noticing these alternatives of a playful and thoughtful temper, she once remarked, when his uncle was debating with her the question of his education — "when I look at that dear child, he scarcely seems one of us, and I weep when I think of him." Such an expression would seem to indicate some early presage, afforded by the boy, of that superiority which his riper years developed.

Wirt remained at Mr. Hunt's school, in Montgomery county, until it was broken up in 1787. During the last two years of this period he was an inmate of Mr. Hunt's family. We shall often find, in the course of his correspondence, a pleasant remembrance of this family and its dwelling-place, which bore the classical name of the Tusculum.

Mr. Hunt seems to have exercised a happy influence over the character of his pupil. He was a man of cultivated mind, liberal study and philosophic temper. He possessed, what in those days was no common advantage, a pretty good library. He had, besides, a pair of globes and some instruments of a philosophical apparatus. He was communicative, and quick to appreciate the tastes of his scholars, and, from all accounts, kindly and indulgent in his intercourse with them.

Young Wirt found in this association much to advance him on his way. He acquired some little insight into astronomy, some taste for physics, some relish for classical study, but above all, some sharpness of appetite for the amusements afforded by "the run of the *library*." He studied Josephus, Guy of Warwick and Peregrine Pickle, the old dramas, Pope, Addison and Horne's Elements of Criticism, with equal avidity and with indiscriminate faith. The library cheated him out of many a worse recreation, and whilst it captivated his boyish ima-

gination with its world of treasures, it served also to implant in his mind that love of various lore, which seeks its enjoyment among the flowers that enamel the broad fields of literature, rather than among the gems which lie in the depths only accessible to the miner.

It is sometimes regarded as the misfortune of sprightly and apprehensive genius, that it is apt to be lured from its graver and more profitable toil by the attractions of this vagrant course of reading. If this be true in any instance, it cannot be denied that many men, who have won distinction by their intellectual accomplishments, have been able to trace their first impulses towards an honourable renown, to the opportunities afforded by a miscellaneous library, and to the tastes which it has enabled them to improve. Mr. Wirt, in after life, was accustomed to speak in terms of regret of the habit of immethodical reading which, acquired in early youth, had, as he supposed, somewhat injuriously diverted his time from systematic study. He was, we are inclined to believe, mistaken in his estimate of this disadvantage. There seems to have been, in his case, quite a sufficient concentration of methodised study, in the pursuit of his own laborious profession, to justify and commend the habit of light and excursive reading in all other departments of science or literature. He has also afforded many agreeable manifestations, that the zealous and persevering lawyer had cultivated, with no small success, that general scholarship which is so seldom combined with professional excellence, and which constitutes, wherever it exists, the most graceful and attractive of its adjuncts. Genius generally finds its own path. Its first instinct is to wander over the surface of its own world, until it may light upon that which shall gratify its proper appetite. Its affinities prompt it to ramble in search of the congenial things nature has provided for it; and it seldom falls out that the errant spirit does not, in due time, come to its appointed destination. It may be said to have been Mr. Wirt's characteristic quality of mind, to perceive and keenly to relish the riches of that upper world of thought, which is pictured to us under the felicitous designation of humane letters. These, comprehending in their scope nearly everything that is graceful in æsthetics, everything that is beautiful in art, glowing in poetry, and eloquent in thought, present to the student a field of various observation, which can only be cultivated and enjoyed by the most apparently desultory

study. He, therefore, who has a true perception of the delights of such study, may scarcely fail to be accounted a capricious and rambling reader, whenever his pursuit shall come to be measured by the severer rules which the student of one science finds it necessary to observe in his own labour.

For many particulars relating to the earlier portion of Mr. Wirt's life, I am happy to express my obligations to a rapid but careful biographical sketch, which was written by Peter Hoffman Cruse of Baltimore, in 1832, under circumstances which give it great value as an authentic narrative, and which is not less worthy of commendation for its graceful and scholarlike style of composition. I should scarcely do justice to my subject, if I forbore to avail myself of the material presented to me from a source so friendly and, at the same time, so accurate. I shall not scruple to use it as often as I may find occasion.*

* The sketch referred to in the text was written by Mr. Cruse upon an engagement with the Messrs. Harpers of New York in 1832, just after Mr. Wirt's nomination as a candidate for the Presidency, and was designed to accompany a republication of Mr. Wirt's literary productions. This republication,—for reasons with which I am not acquainted—did not proceed beyond the reprint of the British Spy, to which the biographical sketch I have alluded to was prefixed. At the time of the nomination of Mr. Wirt for the Presidency, by a singular coincidence of circumstances a narrative of his life was in contemplation from one or two quarters totally disconnected from the political object which may be supposed to have made it then a matter of interest to the public. Mr. Longacre was engaged in his Work of National Portraits, and had applied to Mr. Wirt for some materials for a sketch of his history to accompany an engraved likeness for this work. The task of furnishing these had been committed to Judge Carr of the Court of Appeals of Virginia. Mr. Salmon P. Chase, a friend of Mr. Wirt's nomination, and, still more intimately, his personal friend, a gentleman accomplished in elegant letters,—recently brought more conspicuously to the view of the country as a Senator of the United States from Ohio—had also taken the matter of a biography into his hands. But the enterprise of the Messrs. Harpers being stimulated by a more direct reference to the nomination, took the place of all other biographical projects, and consigned the task to the very competent hands of Mr. Cruse.

Cruse was a finished scholar, of exquisite taste, and gifted with talents which would have secured him an enviable eminence in the literature of this country. He fell a victim to the cholera, in Baltimore, on the 6th of September, 1832, not long after the completion of the biography above mentioned. The country thus lost one whose accomplishment in letters was just beginning to bring him reputation, and whose career, if he had lived, would have been distinguished by the finest exhibitions of intellectual excellence. The materials for his sketch were derived from an intimate

Mr. Hunt's library suggested to our pupil some effort of rivalry with one of its heroes, in the dainty occupation of verse-making. He read how Pope had first tempted his muse at twelve years of age. He himself was now thirteen:—why shouldn't he versify as well? He tried his hand at it, and, very naturally, failed. He accordingly resolved that Nature had not made him a versifier. There was, however, the world of prose open to him, and forthwith he set out upon that quest. Amongst several essays, in this sort, one fell into Mr. Hunt's hands, and was most agreeably received, with abundance of praise. I must give the history of it as it comes from the friendly biographer.*

"It was engendered by a school incident, and was a piece of revenge more legitimate than schoolboy invention is apt to inflict when sharpened by wrongs, real or imaginary. There was an usher at the school; and this usher, who was more learned and methodical than even-tempered, was one morning delayed in the customary routine by the absence of his principal scholar, who was young Wirt himself. In his impatience he went often to the door, and espying some boys clinging, like a knot of bees, to a cherry-tree not far off, he concluded that the expected absentee was of the number, and nursed his wrath accordingly. The truth was that the servant of a neighbour, with whom Wirt was boarding at the time, had gone that morning to mill, and the indispensable breakfast had been delayed by his late return. This apology, however, was urged in vain on the usher, who charged, in corroboration, the plunder of the cherry-tree:

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personal acquaintance with Mr. Wirt, whose just appreciation of him was shown in the most cordial and confidential social communion. The incidents of this biographical sketch were supplied by the friends of Mr. Wirt, by his family, and by the biographer's own personal knowledge of his subject. The sketch itself was submitted to Mr. Wirt, and so far corrected by him as to secure it against any inaccuracy of statement of fact. I may add, that my own constant intercourse with Mr. Cruse, during the preparation of that sketch, and a familiar acquaintance with the individual to whom it refers, enable me to give an additional assurance of its authenticity. I can only indulge, now, the unavailing regret that its author, so rich as he was in the arts of "wit, eloquence, and poesy," had not survived to unite with me in the grateful labour of this task, to render a joint tribute of our homage to the distinguished subject of our memoirs—partaking, as we both did, in equal degree, of the pleasure of his society and the kindness of his regard.

* Cruse's Sketch.

and thongh this was as stoutly as truly rejoined to be the act of an *English* school, hard by, the recitation of Master Wirt proceeded under very threatening prognostics of storm. The lesson was in Cicero, and at every hesitation of the reciter, the eloquent volume, brandished by the yet chafing tutor, descended within an inch of his head, — without quailing his facetiousness however, — for he said, archly, 'Take care, or you 'll kill me.' We have heard better-timed jests since, from the dexterous orator, for the next slip brought a blow in good earnest, which, being as forcible as if logic herself, with her 'closed fist,' had dealt it, felled our hero to the ground. 'I 'll pay you for this, if I live,' said the fallen champion, as he rose from the field.

"'Pay me,' will you?' said the usher, quite furious; 'you will never live to do that.'

"'Yes I will,' said the boy.

"Our youth was an author, be it remembered, and that is not a race to take an injury, much less an affront, calmly. The quill, too, was a fair weapon against an usher; and, by way of vent to his indignation at this and other continued outrages, bnt with no view to what so seriously fell out from it, in furtherance of his revenge, he indited, some time afterward, an ethical essay on Anger. In this, after due exhibition of its unhappy effects, which, it may be, would have enlightened Seneca, though he has himself professed to treat the same subject, he reviewed those relations and functions of life most exposed to the assaults of this fury. A parent with an undutiful son, said our moralist, must often be very angry, a master with his servant, an innkeeper with his guests;—but it is an usher that must the oftenest be vexed by this bad passion, and, right or wrong, find himself in a terrible rage. And so he went on in a manner very edifying and very descriptive of the case, character and manner of the expounder of Cicero.

"Well pleased with his work, our author found a most admiring reader in an elder boy, who, charmed with the mischief as much as the wit of the occasion, pronounced it a most excellent performance, and very fit for a Saturday morning's declamation. In vain did our wit object strenuously the dangers of this mode of publication. The esssay was got by heart, and declaimed in the presence of the school

and of the usher himself, who, enraged at the satire, demanded the writer, otherwise threatening the declaimer with the rod. His magnanimity was not proof against this, and he betrayed the *incognito* of our author, who happened the same evening to be in his garret, when master usher, the obnoxious satire in hand, came into the apartment below to lay his complaint before his principal. Mr. Hunt's house was one of those one-story rustic mansions, yet to be seen in Maryland, where the floor of the attic, without the intervention of ceiling, forms the roof of the apartment below; so that the culprit could easily be the hearer, and even the partial spectator, of the inquisition held on his case. 'Let us see this offensive libel,' said the preceptor; and awful were the first silent moments of its perusal, which were broken, first, by a suppressed titter, and, finally, to the mighty relief of the listener, by a loud burst of laughter. 'Pooh! pooh! Mr. —— this is but the sally of a lively boy, and best say no more about it: besides that, *in foro conscientiæ*, we can hardly find him guilty of the publication!'

"This was a victory; and when Mr. Hunt left the room, the conqueror, tempted to sing his '*Io Triumphe*' in some song allusive to the country of the discomfited party, who was a foreigner, was put to flight by the latter's rushing furiously into the attic, and snatching from under his pillow some hickories, the fasces of his office, and inflicting some smart strokes on the flying satirist, who did not stay, like Voltaire, to write a receipt for them. The usher left the school in dudgeon not long afterward, like the worthy in the doggrel rhymes—

> 'The hero who did 'sist upon 't,
> He would n't be deputy to Mr. Hunt.'

"Many years after, the usher and his scholar met again. Age and poverty had overtaken the poor man, and his former pupil had the opportunity of showing him some kindnesses which were probably not lessened by the recollection of this unpremeditated revenge."

This was quite a prosperous entrance into the world of letters. The pleasant remembrance of this early triumph is one, amongst many evidences which I may have occasion to notice hereafter, of the earnest appreciation with which the distinguished lawyer was wont to regard the pursuit of literary fame, which, as it seemed, an adverse destiny

had constantly placed beyond his enjoyment, though never, as the reader of these pages will find, beyond his hopes.

Mr. Hunt's discipline contributed to awaken the ambition of his pupil to another renown, not less conspicuous in his career. Letters were always the passion of William Wirt,—a passion foredoomed against enjoyment, the Tantalus cup of his life. The law was, in equal degree, his chosen field of eminence, pursued at all times with the eager love of a votary, and, more propitious to him than its rival, the bountiful source of fame and wealth. His first introduction to its temple was at this era of his boyhood. Mr. Hunt was in the habit of taking his pupils to the Montgomery County Court, in term time, to give them some insight into those mysteries which may be said to be, in this country, the ladder to all preferment, and which certainly at the date of this adventure, much more than at present, was the chief aid by which men climbed to eminence. The court-house was some four miles from the school. The whole troop, headed by the Domine, went on foot, and with due solemnity entered the rustic hall of justice, and took their seats in the unoccupied jury-box. Amongst the pleaders one of the youngest was William H. Dorsey, well known to the school and neighbourhood. He was clever, quick, and courageous in his encounters with the older brethren; so, he naturally became the favourite of the schoolhouse auditory, and grew to be a hero in their eyes. Boys have a great instinct for hero worship;—and worship with them is imitation. Dorsey was not much older than the oldest of those who sat to hear and applaud him. "Why should not we have a court of our own?" "Agreed."—So, forthwith we have a little temple of Themis in Mr. Hunt's school-room. Wirt was appointed to draw up the constitution. He was, manifestly, the Dorsey of the new forum. The constitution was prepared with all the necessary complications to meet the contingencies of its broad and delicate jurisdiction, and was reported, with a modest letter of apology for its imperfections, by the author.

This was his first forensic essay. There were occasional speech-makings in public at the school, and the practice also of "capping verses"—one of those ingenious devices by which off-hand orators are supplied with a motley of shreds and patches cut from classical cloths, and preserved as the staple for that impromptu wit and learn-

ing which, in the last age, was regarded as one of the chief ornaments of scholarship, — now, fortunately, somewhat jostled aside for wholesome Anglo-Saxon. In all these exercitations Wirt was a common victor, and carried off whatsoever prize he had a mind to win.

CHAPTER III.

1787 — 1792.

FRIENDS. — PETER A. CARNES. — BENJAMIN EDWARDS. — NIMIAN EDWARDS. — BECOMES A TUTOR IN MR. EDWARDS' FAMILY. — USEFUL EMPLOYMENT OF HIS TIME. — STUDIES. — JOURNEY TO GEORGIA. — RETURNS TO MONTGOMERY AND STUDIES LAW WITH W. P. HUNT. — REMOVES TO VIRGINIA. — STUDIES WITH MR. SWANN. — IS ADMITTED TO PRACTISE BY THE CULPEPER COURT.

Mr. Hunt's school was discontinued in the year 1787. Wirt was now in his fifteenth year. But little remained of his small patrimony, and he was brought to the necessity of seeking the means to support himself. He was not without friends. His happy and confiding temper attracted the good-will of his schoolfellows. His talents won the esteem of his teachers. The sympathy excited by his orphanage and the humility of his deportment brought him more than one protector.

Mr. Peter A. Carnes was an early patron and most useful friend to our pupil. This gentleman belonged to the bar of Maryland. He was the owner of a considerable landed estate in Charles county, and, being a cultivator of tobacco, his occasions, both as a planter and as a professional man, often brought him to Bladensburg. Here he was accustomed to take his lodgings in the public house which was kept by Jacob Wirt. He thus became intimate with the family, and had the best opportunities to observe the character of the young and sprightly boy whose qualities were so well adapted to captivate his regard. This acquaintance ripened into a strong and lasting attach-

ment, which was subsequently manifested in the most substantial proofs of friendship to the family.

When Jacob Wirt died, Mr. Carnes charged himself, to some extent, with the control and guidance of the children of the family, of whom the eldest was Elizabeth, the senior of William by some ten years. There is reason to believe that Mr. Carnes assumed the direction of the education of William, and perhaps of Elizabeth, and defrayed the expenses of this charge chiefly out of his own pocket. William was consigned by him to the care of Mr. Dent, in Charles county; and Mr. Carnes himself,—according to some memorials of his family, which I have seen,—provided for him that comfortable homestead, where he was sheltered and made happy by "good Mrs. Love" and her family, in the memory of which the grateful pupil found so much pleasure.

Some years after this Mr. Carnes removed to Georgia and settled himself in the neighbourhood of Augusta, where he obtained eminence as a lawyer. Elizabeth Wirt was, at this time, grown to womanhood; her mother was dead, and she and her brother, we may suppose, were left in a condition to attract the sympathy and consideration of their good friend. Mr. Carnes sent for them both to come and live with him. William's destiny directed him to another quarter; but his sister obeyed the summons of her kind protector, who, soon after her arrival in Georgia, fortified his title to that relation by making her his wife.

In the few letters and other papers I have been able to collect, referring to this portion of Mr. Wirt's life, there is abundant evidence of the concern of Mr. Carnes in the fortunes of his young friend, and of the valuable service rendered by him to his protegé, at that age when friendly counsel is most needed.

Besides Mr. Carnes, there was another who now took an interest in the success of the youthful scholar, and whose connection with him had the most happy influence in shaping his career to that eminence which he afterwards achieved. This friend was Benjamin Edwards, at that date a resident of Montgomery county. His son, Ninian Edwards,—who, in after years, successively held the post of first Territorial Governor of Illinois, then Senator from that State, and afterwards the Governor of it—was the comrade and classmate

of Wirt in Mr. Hunt's school. When this school was broken up and our disbanded student had returned to Bladensburg, as to a point from which to make a new start in life, young Edwards happened to take with him to his father's house the constitution of the moot court to which I have referred in a former chapter, and, along with it, the report or prefatory letter. This was probably exhibited in the family as one of those achievements which, in the world of school-boys, are magnified for purposes of renown, with a more affectionate exaggeration than we are apt to hear of it in the larger world. This triumph of the academy thus came to the eye of Mr. Edwards, the father, and doubtless with no modicum of praise of the cleverness of the author. The result was, in brief space, a letter from the father to young Wirt, inviting him to a station in the family, as a private tutor to his son Ninian and two nephews, who were all contemplating a transfer to college, and who stood in need of some preparatory study, which, it was thought, Wirt was qualified to direct.

This invitation, in any aspect a most agreeable one, was rendered still more acceptable by the assurance which accompanied it, that Mr. Edwards' library should be at the service of the new teacher, for the prosecution of his own reading. A summons so opportune to this new field of duty, was, of course, quickly and gratefully accepted, and the pupil, now converted into a teacher, was most comfortably established at Mount Pleasant — as this seat was appropriately called — in the bosom of a hospitable, cultivated, and estimable family.

Mr. Edwards had been a member of the Legislature of Maryland; —had acquired reputation in that body as a skilful and accomplished debater. In this relation he had attracted the commendation and friendship of the great leader, in that day, of the politics of the State —Samuel Chase. He was, besides, well versed in general literature; his mind was strong, direct, and trained to reflection; his demeanour challenged respect and esteem by its dignity; his character, public and private, was distinguished for lofty patriotism and inflexible virtue. His manners were affable, and particularly agreeable to the young, with whom he was fond of associating,—charming them by instructive conversation, with the benevolence of his disposition, and his ready sympathy with the tastes and interests of his youthful auditory, rendered manifold in its useful impressions upon them.

This is the outline of the character Mr. Wirt was wont to give of his early friend. How fortunate may we regard him in being brought within the sphere of such a man's influence! It is one of the most pleasant traits in the history of the subject of this biography, that to the last day of his life he could not speak of Benjamin Edwards, but with the strong emotions of a grateful affection, which seemed to be even more than filial. We shall see many evidences of this generous recognition in the letters which may be introduced into the future pages of this narrative.

"You have taught me," he says, in one of these letters, written to his old friend at a date when he had conquered the obstacles of poverty, and had hewn his way to a profitable, as well as a brilliant reputation — "to love you like a parent Well, indeed, may I do so, since to you, to the influence of your conversation, your precepts, and your example in the most critical and decisive period of my life, I owe whatever of useful or good there may be in the bias of my mind and character. Continue then, I implore you, to think of me as a son, and teach your children to regard me as a brother: they shall find me one, indeed, if the wonder-working dispensations of Providence should ever place them in want of a brother's arm, or mind, or bosom."

The young tutor's final destination was the bar. With much to justify an augury of success in this profession, he had also some drawbacks. He was shy and timid in any public exhibition of himself. His enunciation was thick and indistinct, marked by a nervous rapidity of utterance. Both of these may be regarded as great embarrassments in the way of a profession which requires the utmost intrepidity of self-protrusion, and whose outward and visible manifestation exists more in round, clear, and dauntless speech, than in any other attribute by which it can be made known.

Mr. Edwards soon observed these defects in his young friend, and, with a persuasive and gentle skill, set himself about removing them. He narrated to him, by way of encouragement, some incidents in his own experience, — particularly those which belonged to his *debut* in the Legislature, in which he gave a strong picture of his embarrassment, his confusion and fear of breaking down, and his surprise at his safe deliverance, and the compliment paid him by Mr. Chase,

when he had supposed his failure complete. He sometimes took occasion also to rally his listener upon his diffidence; and to give him some adequate conception of the little room he had to fear the competition of what was understood to be the most formidable class of antagonists he might be compelled to encounter in life. He fortified this lesson, by assuring him, that there were not many of those who had arisen to distinction, who had not to contend with obstacles as great as his own. Dorsey and Pinkney, both young men at that period, and both beginning to attract the observation of the community, were held up by Mr. Edwards to his comment. "Dorsey," said he, "whom you so much admire, and Pinkney, whom you will admire still more when you shall have seen him, are making their own way to distinction under as great disadvantages as any you have to encounter."*

With whatever distrust, the shy student at that time received these friendly persuasives, and however incredulous he might be of the hopes his friend was endeavouring to implant in his mind, it was not many years before he had realized more than had been promised him. A letter from Mr. Edwards reached him at Williamsburg in the palmy day of his career, fondly recalling to him the predictions of this early time in Montgomery, and exulting, with the pride which a father only might be supposed to feel in the advancement of a son, at the fulfilment of the prophecy.

Twenty happy and useful months were spent under the roof of Mr. Edwards. In the successive occupations of classical study, of instructive conversation, and preparations for that profession to which he was hereafter to devote his life, Wirt found, at this epoch, the most solid benefits. In the contemplation of that robust and manly character which was daily presented to his notice in his patron and friend; in the dignity of deportment, lofty virtue and massive good sense of this worthy gentleman; in the unostentatious simplicity of the family, their genuine kindness and indulgent consideration of himself, he found daily a stimulus to the cultivation of the virtues both of his heart and head, and the strongest incentives towards the fulfilment of those aspirations for renown which, in after life, he so successfully accomplished.

* Cruse.

At the expiration of this period, his health became somewhat impaired. By the advice of friends, he determined to make a journey on horseback to Georgia, and spend the winter with his friend and brother-in-law, Mr. Carnes, and his sister, whom he had not seen since her marriage.

We have no narrative or remembrances of this journey to refer to. It was undertaken towards the end of the year 1789. The traveller set out alone. He was in his seventeenth year. The way was long, and a great deal of it lay through a dreary wilderness of pine-forest and sand. It was no light enterprise in that day;—but we may well imagine that to the cheerful boy, so full of pleasant fancies and rosy hopes, the wayside brought no weariness. In the first outlook of a youth of seventeen upon the world, mounted upon his steed; with a purse sufficiently stored to bring him to his journey's end; with all his worldly goods packed on a pad behind his saddle; with a gay heart in his bosom, and a sunshiny face beneath his beaver,—what is there on the globe to make him sad? No shadow upon his path ever takes a gloomy hue, no lonesome by-way finds him unaccompanied with pleasant thoughts, no fatigue overmasters or subdues the buoyancy of his mind; the rain and the wind bring no melancholy when they drive against his breast. The swollen river which, in some mountain gorge, compels him to a halt, is but a picturesque hindrance which he has the boldness to tempt, or the patience to wait for. Nightfall but heightens the romance of his dreams, as he holds his way, guided by some distant taper, to the rude shelter of a woodman's hut. The hearth to which he has found this doubtful path, gleams with a light more cheerful than the illuminations of a palace, when its rays are thrown upon the homely group of the woodman's family from the blazing faggots, kindled to prepare for him a supper with which no banquet in his elder day is to be compared.

If our young adventurer had kept a journal of this expedition, we should, doubtless, have had abundant material from which to illustrate the content and joy with which such experiences would be recorded.

The Southern winter seems to have told well upon his constitution. He had been threatened with a pulmonary complaint which had excited some alarm in his friends, and it was supposed he might find

it to the advantage of his health, as well as to the professional career to which he directed his views, to make a permanent settlement in Georgia. The journey on horseback, however, and the genial winter of that region, wrought a rapid change in his condition, and enabled him to pursue his aims in a quarter more attractive to his regards, and, as we must believe from the result, more favourable to the objects of his ambition. His vigour was restored, and he returned to Maryland in the spring.

He now took up his abode at Montgomery Court House, and entered upon the study of the law with William P. Hunt, the son of his former preceptor. In this position he remained about a year, and then, for the first time, went to reside in Virginia.

I find a reference to this removal, and the causes which led to it, in one of the few early letters which have fallen under my notice. It is addressed to Mr. Carnes, in Georgia, in November, 1792.

"While with Mr. Hunt," he writes, "a friend informed me of a very advantageous station for a lawyer in the state of Virginia. Every body urged me to seize it. The law of Virginia required of me twelve months' residence in the state, and a previous examination by three of the Judges of the General Court. I removed my residence immediately to Virginia, and after residing about five months under a Mr. Swann*—an acquaintance and school-mate of Tom Carnes, and a young fellow of distinguished legal abilities,—I applied to the judges for a license; by a manœuvre, removed the objection of non-residence, and, after a minute scrutiny into my information, obtained the signature of three of their Honours to my license. I have disposed of my

* My readers will recognize in this reference, Mr. Thomas Swann, a distinguished member of the bar of Washington, and for several years District Attorney of the United States in that city. The acquaintance between him and Mr. Wirt, which commenced at this early period, ripened into a cordial friendship, which was maintained throughout life unbroken, and was manifested in the constant habitual exchange of kindness which the proximity of residence enabled them to practise to the latest day of Mr. Wirt's life. Some few letters, the fragments only of a frequent correspondence between them, remain. I have particularly to regret my failure to procure that portion of it which belonged to the earlier period of Mr. Wirt's career, in which I had hoped to find some instructive details of his life. This may possibly yet be recovered.

property, and am now over (this letter is written from Prince George's county, Maryland,) for the purpose of receiving the money. Immediately upon the reception of this, I commence the practice of the law."

This is the introduction of William Wirt to Virginia, a state with whose fame he grew to be almost inseparably identified, and towards which he never ceased to look with the affection of a child for a parent.

What was the nature of the "manœuvre" by which he circumvented their "Honours," and thus got himself prematurely ensconced in the bosom of that bountiful mother, we are not informed. But we may, with some reason, account that to be a pious fraud which so successfully gave this dutiful and reverential son to a family which has never ceased, from that moment, to regard him as one of its most cherished favourites. In a more worldly sense, too, it may be reckoned as a token of the future prosperity of the young lawyer, whose *first case* was won by so commendable a piece of sharp-sightedness. Let us, on our part, look to this incident both as a pledge of attachment and fealty to the new sovereign from its new subject, and a proof of his adaptation to that profession which owes so much of its thrift, if not its glory, to the dexterity which is occasionally called to display itself in finding out an unguarded point in the outworks of the law.

The Court in which he was admitted to practise, was that of Culpeper county, and his residence was accordingly taken in the court house village.

CHAPTER IV.

1792—1794.

HIS LIBRARY. — FIRST CASE. — DIFFICULTIES ATTENDING IT. — IS ASSISTED BY A FRIEND. — A TRIUMPH. — HIS COMPANIONABLE QUALITIES. — HABITS OF DESULTORY STUDY. — PRACTISES IN ALBEMARLE.

We have the young practitioner now fairly embarked upon the sea of his profession.

There is good authority for saying that his library and professional equipment were not of the most various or effective description. He has told the story himself, that his whole magazine of intellectual artillery, at this period, comprised no other munitions than a copy of Blackstone, two volumes of Don Quixote, and a volume of Tristram Shandy. Behind these, there was, probably, a twelve-month's study, partly, no doubt, travelled along the flinty highway of Coke and Littleton, but, we may be pretty confident in the conjecture, not less diligently conversant with the secret and pleasant byways of Tom Jones, Roderick Random, and their kindred adventurers.

He was now upon a theatre to which he had anxiously aspired, and one which would surely try his metal. He came to this probation under some fearful disadvantages;—that is to say, with no great store of legal provision, and with his constitutional timidity still unconquered.

Only those who have gone through the ordeal of public contest, with this weight upon their shoulders, can estimate the oppression—the horror, I might say—of such a drawback. The ordinary pursuits of business-life give one no insight into the sufferings of the public speaker who is compelled to struggle against the reluctance of a diffident nature. The young hero of the buskin, when first brought to the footlights to confront that combined Hydra and Briareus, an assembled audience, can tell a piteous tale of terror, if asked to describe his emotions. The novitiate of a legislative hall may give

an interesting experience to the same point. But, more severe than either, is the experiment of the disconsolate barrister when he rises, for the first time, to discourse the most difficult and perplexing of all human lore, in the presence of the frowning and solemn majesty of the bench; or when he faces that personal embodiment of popular justice, the twelve "probos et legales homines," which the traverser who "puts himself upon his country" is taught to believe, by a violent fiction, to be the country itself, but in which the maiden orator sees only a most formidable fragment of it. The young votary who, for the first time, stands in this presence, surrounded by its usual and characteristic auditory, drawn thither by that insatiable love of the scenery and incident of the judicial drama, which is prescriptively the passion of the multitude; when he sees the compact pavement of heads extending into every nook within the horizon of his vision, with their multitudinous eyes concentred upon one focus, and that focus himself; all eager to hear every word, the general curiosity overcoming all uneasiness of attitude, all discomfort of the heated atmosphere, all hunger and thirst—what is there in Fuseli's imagination of nightmare to give a more frightful picture of the oppressed brain and bewildered sight than this spectacle, presented to a shy and unpractised youth, ineffectually labouring, in advance, to repress the throes of a constitutional diffidence !*

Such are the trials familiar to those whose professions compel them to encounter this discipline.

Wirt's enunciation was still defective: it was confused and hurried. His voice, when undisturbed by that timidity which deprived him of his command over it, was rich and melodious. His person was at this time quite as prepossessing as it was remarked to be in his later manhood. His manners were well adapted to make friends.

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* One such scene I have witnessed, and I remember the agony with which the confused novitiate arose a second time, having been but a moment before compelled to take his seat, in the hope to collect his routed thoughts. His second essay was not more fortunate than the first. He stood silent for a brief space, and at the end was able to say—"Gentlemen, I declare to Heaven, that if I had an enemy upon whose head I would invoke the most cruel torture, I could wish him no other fate than to stand where I stand now." Curiously enough, the sympathy which this appeal brought him, seemed almost instantly to give him strength. A short pause was followed by another effort, which was completely and even triumphantly successful.

His first appearance at the bar is described by his biographer pretty much from his own account of the incident. It was well remembered amongst Mr. Wirt's early friends. Luckily for him, this first accost was attended by some excitements which overmastered his shyness and reserve, and saved him many pains. The occasion and its events are set forth with so much interest in Cruse's memoir, that I take pleasure in offering his description of it in his own words.

"With these advantages and defects, such as they were," says the memoir, "he was to begin the competitions of the bar in a part of the country where he was quite unknown, and where much talent had pre-occupied the ground, with experience on its side and acquaintance with the people and their affairs. There is no part of the world where, more than in Virginia, these embarrassments would be lessened to a new adventurer; as there is no where a more courteous race of gentlemen accessible to the prepossessions which merit excites. There was, however, another embarrassment; our lawyer had no cause. But he encountered here a young friend much in the same circumstances, but who had a single case, which he proposed to share with Wirt, as the means of making a joint *debut*. With this small stock in trade, they went to attend the first County Court.

"Their case was one of joint assault and battery, with joint judgment against three, of whom two had been released subsequently to the judgment, and the third, who had been taken in execution and imprisoned, claimed the benefit of that release as enuring to himself. Under these circumstances, the matter of discharge having happened since the judgment, the old remedy was by the writ of *audita querela*. But Mr. Wirt and his associates had learned from their Blackstone that the indulgence of courts in modern times, in granting summary relief, in such cases, had, in a great measure superseded the use of the old writ; and accordingly presented their case in the form of a motion.

"The motion was opened by Wirt's friend with all the alarm of a first essay. The bench was then, in Virginia County Courts, composed of the ordinary justices of the peace; and the elder members of the bar, by a usage, the more necessary from the constitution of the tribunal, frequently interposed as *amici curiæ*, or informers of the conscience of the court. It appears that on the case being opened,

some of these customary advisers denied that a release to one, after judgment, released the other, and they denied, also, the propriety of the form of proceeding. The ire of our beginner was kindled by this reception of his friend, and by this voluntary interference with their motion; and when he came to reply he forgot the natural alarms of the occasion, and maintained his point with recollection and firmness. This awaked the generosity of an elder member of the bar, a person of consideration in the neighbourhood and a good lawyer. He stepped in as an auxiliary, remarking that he also was *amicus curiæ*, and, perhaps, as much entitled to act as such as others; in which capacity he would state his conviction of the propriety of the motion, and that the court was not at liberty to disregard it; adding that its having come from a new quarter gave it but a stronger claim on the candour and urbanity of a Virginian bar. The two friends carried their point in triumph, and the worthy ally told his brethren, in his plain phrase, that they had best make fair weather with one who promised to be a thorn in their side. The advice was, we dare say, unnecessary. The bar of that county wanted neither talent nor courtesy; and the champion having vindicated his pretensions to enter the list, was thenceforward engaged in many a courteous passage at arms.

"The auxiliary mentioned in the above anecdote, was the late General John Miner, of Fredericksburg, of whom Wirt, in subsequent years, often spoke with strong gratitude and esteem. 'There was never,' he says, 'a more finished and engaging gentleman, nor one of a more warm, honest and affectionate heart. He was as brave a man and as true a patriot as ever lived. He was a most excellent lawyer too, with a most persuasive flow of eloquence, simple, natural and graceful, and most affecting wherever there was room for pathos; and his pathos was not artificial rhetoric; it was of that true sort which flows from a feeling heart and noble mind. He was my firm and constant friend from that day through a long life; and took occasion, several times in after years, to remind me of his prophecy, and to insist on my obligation to sustain his 'prophetic reputation.' He left a large and most respectable family, and lives embalmed in the hearts of all who knew him.'"

In this, his first adventure, he was more successful than those who

knew him best had expected. He was indebted for this, in no small degree, to the lucky accident of having his temper aroused for the conflict. We may suppose, too, that the aid and comfort of that powerful ally to whom the story refers, was felt, not less in the kindness and encouragement of a friendly countenance bestowed upon the young pleader at his first rising, than in the substantial assistance given before the trial was ended. The sympathy of a good-natured face, the warm gaze of a friendly eye, and the silent gesture of approbation and assent, are potent antidotes to the alarms which players are wont to call "the stage fright," and what, in the Hall of Themis, we may term, in analogy to this, "the fright of the bar."

The ordeal, however, was past. The ice was broken, and the new barrister felt that he might thenceforth walk into the courts unquestioned.

Those who knew Wirt in that day were accustomed to speak of him as a gay and happy companion, careless somewhat of the labour of his profession, and more disposed to cultivate the congenial pleasures of good-fellowship, than to pursue, by any painful toil, the road to fame. It was therefore usual to say, that, at this period of his life, he gave no very recognizable pledge of that eminence which he afterwards attained. It may be true that his studies were not so conversant with the deeps of legal science, as one might demand from the ambitious lawyer, and even that he doffed aside the sometimes admonishing hopes of a solid professional fame; but it can scarcely be true that an active and apprehensive mind, such as his, was suffered either to rust for want of use, or to devote itself to frivolous or useless subjects. We have many evidences in the letters and other papers which have reached us, that the most absorbing passion of his nature was a longing for that renown which was chiefly to be won in forensic triumphs. We may confess it to be equally true, that there is apparent, in all that has transpired, regarding this portion of the life of Mr. Wirt, a sad want of system in his study. There are minds, however, of the very highest power, which seem to reject system with instinctive aversion, and to pursue their aims with what might be called a capricious versatility of study; which, being susceptible of vivid impressions from the object upon which they are employed, are apt to be enticed from the course of methodical occupation by the

attraction of new pursuits, or driven from it by the weariness or pain of the old.

We may conclude that, to some extent, this remark is applicable to the character of Mr. Wirt's mind. With an eye quick to discern beauty, whether in nature or art, with a teeming and active imagination, with a heart full of the charities of life, and with a keen zest for the delights of a frank companionship, it may be believed that neither his professional zeal, nor his hopes of future fame, were, at all times a match for these antagonists, nor potent enough to guard him against their seductions; that both his studies and his recreations were likely to seek their pleasures in that field where the poetry of life held an acknowledged sway over the severer, and we may even say, repulsive studies to which "the youth whom *the law* destines to a bright manhood" is compelled to devote his time.

He continued to practise at the bar of Culpeper court some one or two years, with increasing success; in the meanwhile extending his acquaintance and business connections into the neighbouring counties. In this circuit he included Albemarle county, a region of Virginia especially distinguished for eminent and highly cultivated men. The aspiring barrister here found many friends, whose influence in the control of his future life was of the most fortunate aspect.

CHAPTER V.

1794—1799.

ALBEMARLE FRIENDS.—DR. GILMER.—MR. JEFFERSON, MR. MADISON AND MR. MONROE.—JAMES BARBOUR.—MARRIES MILDRED GILMER.—PEN PARK.—DR. GILMER'S LIBRARY.—HOSPITALITY OF THE COUNTRY.—DANGERS TO WHICH HE WAS EXPOSED.—CHARACTER OF THE BAR.—HIS POPULARITY AND FREE HABITS.—FRANCIS WALKER GILMER.—THOMAS W. GILMER, LATE SECRETARY OF THE NAVY.—DABNEY CARR AND HIS FAMILY.—ANECDOTE OF BARBOUR, CARR AND WIRT.—STATE OF FLU.—DEATH OF DR. GILMER.—ROSE HILL.—LETTER TO CARR.

AMONGST the friends whom Wirt found at this period, in Albemarle, was Doctor George Gilmer. This gentleman, the descendant of a Scotch family which had emigrated at an early date to Virginia, had been prepared for his profession in Edinburg, and was at this time an eminent physician, in the enjoyment of a large practice. He lived at Pen Park, his family seat, in the neighbourhood of Charlottesville. He had been noted as a zealous and effective friend of the Revolution—had borne arms in the cause; was a man of genius, of accomplished education, wit and refinement. Living in the immediate neighbourhood of Mr. Jefferson, and within a day's ride of Mr. Monroe and Mr. Madison, it was his singular good fortune to enjoy the intimate acquaintance and friendship of these distinguished men.

His family circle furnished attractions both to old and young. His children drew around them many cheerful and happy companions, and his own accomplishments, as a man of letters and observation, brought him the best society of the time. An elegant hospitality prevailed in his household; choice books were found in his library; instructive and agreeable conversation enlivened his fireside. Pen Park exhibited just such a combination of rare and pleasant appurtenances as are likely to make the best impressions upon the mind of an ingenu-

ous and ambitious youth, and to inspire him with zeal in the cultivation of virtue and knowledge.

Of the children who, at this date, graced the family board, there were two with whom these memoirs have an intimate connection. The first was Mildred, the eldest of the family; the other was Francis Walker, the youngest born of a numerous progeny. The daughter was richly gifted with the gentle attractions of her sex, intellectual, kind, cheerful, and noted for her good sense and just observation. She was then just growing into womanhood, with all the joys of that happy period radiant in her face. The imaginative and susceptible young barrister found a fairy land in this romantic spot, and a spell in the eye and tongue of the maiden which charmed too wisely to be broken. The father's regard for him opened the way to a closer alliance, and it was not long before he took his place in the family as a cherished son-in-law.

The marriage was solemnized at Pen Park, on the 28th of May, 1795. From this period, Wirt's residence was established with the family of his wife. His practice and reputation increased. Amongst several lawyers, then and afterwards well known to fame in that region, he is said to have stood on the same platform with the best. Of these it would be sufficient to mention the names of Barbour, Cabell,—now the President of the Court of Appeals of Virginia,—Carr, Davenport, Austin, Stuart and others, who will be recognised, by those who are familiar with the bar of Virginia, as gentlemen who enjoyed a well deserved repute for professional worth, and some of whom afterwards attained to an enviable celebrity throughout the Union.

From this date we may observe the steady advancement of the fortunes of the subject of this narrative—shaded now and then, by a temporary cloud,—but nevertheless forced onward by the innate strength of his character and the impetus of brilliant talents and useful attainments. Doctor Gilmer became warmly attached to him; brought him into intimate acquaintance with the illustrious persons to whom I have referred; whetted his appetite for elegant literature, by the habitual display of his own stores gathered in the diligent study of it; gave fresh vigour to his taste and fancy, by directing his studies to the best books. The young student was charmed to find

such happy access as the Doctor's library afforded, to those fountains of English thought and speech which poured their streams through the pages of Hooker, Boyle, Locke, Barrow, South, Bacon and Milton. From these he drank deep draughts, and filled his mind with that reverence for the old literature of our native tongue, which was ever after noted as one of the most determinate characteristics of his mind. His acquaintance with Mr. Jefferson, Mr. Madison and Mr. Monroe, at this date, before either of them had been elevated to that high honour which each subsequently attained, led, in due time, to confidential esteem and friendship, which was variously manifested throughout the lives of the parties. Such a fact as this may be interpreted to furnish the strongest evidence of the personal merit of the individual to whom it relates.

Happy,—most auspicious was it for him that he was thrown thus early under the guidance of so kind and competent a friend as the worthy proprietor of Pen Park. Fortune confers no richer boon upon generous and aspiring youth than when she gives him wise and affectionate friends. To win an honoured place in the household and in the heart of a liberal, refined, benevolent and observant gentleman; to be freshly engrafted upon a loving and pure-minded family; to feel the gentle and considerate kindness of parents seconding and sustaining the devotion of a wife; to observe all around him the blossoms of a new affection, diffusing their fragrance into the atmosphere which he inhabits, and daily ripening into fruit for his enjoyment,—there are few natures so stolid as not to draw from these environments good store of nutriment to improve the heart, exalt its charities, and quicken its impulses towards the cultivation of virtue, honour and religion. It is true that such blandishments are not exempt from the necessity of that vigilant self-control, which every condition of fortune seems to exact from a well-ordered mind. The vicious enticements of life openly challenge us to be upon our guard, and there is no great share of merit to be awarded to the youth who, plainly perceiving the danger, arms himself in good time against it. But when prosperity enlivens all around us, and affection is continually striving to make us happy by the offerings of kindness, the heart is sometimes taken unawares by its own jocund and overflowing content, and may fall into the snares of that pleasure which the generosity of friendship itself admi-

nisters. I do not wish to conceal the fact that at this time of the life of Mr. Wirt, he was not altogether free from the censure of having sometimes yielded to the spells of the tempter, and fallen into some occasional irregularities of conduct. I am aware that this charge has been made in graver form, with some amplitude of detail and circumstance. It is partly to correct what is false in this, but much more from a consideration of what is due to truth and to the impartial presentation of the subject of my biography, that I now allude to it. I cannot be insensible, either, to the duty of exhibiting to the youth of the country a faithful picture of an eminent man, in whose career they may study the best lesson for their own guidance to a life of public usefulness and to the reward of an honourable fame. I should not be true to this aim if I kept out of view the occasions which should enable me to show how strictly the most virtuous natures should observe the tendency of every quick impulse, doubt its safety, and check its first extravagance.

Wirt was now twenty-five years of age. He was companionable, warm-hearted and trustful. His mind was quick, and imbued with a strong relish for wit and humour. An old friend, who knew him well in that day, says of him: "He had never met with any man so highly engaging and prepossessing. His figure was strikingly elegant and commanding, with a face of the first order of masculine beauty, animated, and expressing high intellect. His manners took the tone of his heart; they were frank, open and cordial; and his conversation, to which his reading and early pursuits had given a classic tinge, was very polished, gay and witty. Altogether," he adds, "he was a most fascinating companion, and to those of his own age, irresistibly and universally winning."*

Such a character we may suppose to be but too susceptible to the influences of good-fellowship, which, in the jollity of youthful association, not unfrequently take the discretion of the votary by surprise, and disarm its sentinels. The fashion of that time increased this peril. An unbounded hospitality amongst the gentlemen of the country, opened every door to the indulgence of convivial habits. The means of enjoyment were not more constantly present than the solici-

* Cruse's Memoir.

tations to use them. Every dinner-party was a revel; every ordinary visit was a temptation. The gentlemen of the bar, especially, indulged in a license of free living, which habitually approached the confines of excess, and often overstepped them. The riding of the circuit, which always brought several into company, and the adventures of the way-side, gave to the bar a sportive and light-hearted tone of association, which greatly fostered the opportunity and the inclination for convivial pleasures. A day spent upon the road on horseback, the customary visits made to friends by the way, the jest and the song, the unchecked vivacity inspired by this grouping together of kindred spirits,—all had their share in imparting to the brotherhood that facility of temper and recklessness of the more severe and sober comment of the world, which, it will be acknowledged, is dangerous to youth in proportion to the enjoyment it affords. Then, the contests of the bar which followed in the forum, the occasions they afforded for the display of wit and eloquence, and the congratulation of friends, were so many additional provocatives to that indulgence which found free scope when evening brought all together, under one roof, to rehearse their pleasant adventures, and to set flowing the currents of mirth and good-humour,—to "make a night of it," as the phrase is, kept merry by the stimulants of good cheer. The bar yet retains some of these characteristics; but the present generation may but feebly conceive the pervading and careless joyousness with which, in that early time, the members of their mirthful craft pursued their business through a country-side. I mean no disparagement to the learned and gay profession, but, on the contrary, some commendation of the kindly spirit of its brotherhood, when I say, that in these incidents of its character and association there was manifested something of the light-heartedness and improvidence of the old-fashioned strolling theatrical companies. The present generation will bear witness to many an ancient green-room joke of the circuit, which yet floats abroad in Virginia, with a currency scarcely less notable than when it was first cast off.

William Wirt was well known in these associations of Albemarle and the surrounding counties, an admired object in the court-house during the day, a leading spirit in the evening coterie; eloquent on the field of justice, sustaining his client's cause with a shrewd and sometimes brilliant skill; not less eloquent at the table or the mess

room, where his faculties were allowed to expatiate through another range, and where he gave reins to the wit and mirth which shook the roof-tree. We may not wonder that, in the symposia of these days, the graver maxims of caution were forgotten, and that the enemy of human happiness, always lying at lurch to make prey of the young, should sometimes steal upon his guard and make his virtue prisoner.

The too frequent recurrence of these misadventures in that day, have furnished food for much gross calumny in regard to him, and have led to the fabrication of coarse and disgusting charges of vulgar excess, which I am persuaded are utterly groundless. The friends of Mr. Wirt have seen with regret, that the most offensive of these inventions have sometimes been used, with many fanciful and absurd additions of circumstance, by indiscreet zealots in the cause of temperance, who have seemed to think it quite excusable to repeat and aggravate the most improbable of these falsehoods, for the sake of the profit which they suppose may accrue to the world from the use of a distinguished name to point the moral of their story. Whilst not seeking to extenuate the irregularities to which I have alluded, beyond what they may fairly claim from the circumstances in which they were indulged, and, indeed, recurring to them only with a profound regret, I could not allow the occasion now before me to pass by without this open and distinct denunciation of the libels I have seen, and of the terms of wanton and malicious exaggeration in which they have been repeated.

Francis Walker Gilmer, the youngest son of the Doctor, will be often referred to in the course of this narrative. At the time of Wirt's marriage he was but a child. As he grew towards manhood, he developed a high order of talent, which led him to the study of the law and to the eager pursuit of letters. He was eminently qualified to excel in both. An early death, however, deprived the bar of the promised distinction which seemed to await the student; and the literature of the nation has been enriched only to the amount of a few unstudied essays, which acquired a temporary distinction from the presage they afforded of what the author was capable of accomplishing. Some of my readers will probably remember a few rapid, striking and scholar-like delineations of eminent public men, which, some twenty years ago, attracted a large share of attention at the seat of government,

under the title of "Sketches of American Orators." These sketches, collected into a small volume, I believe constitute nearly all that Francis Walker Gilmer has left in the way of a contribution to the literary store of the country.

Mr. Jefferson's friendship for Dr. Gilmer was extended to the son, and Francis was educated almosty entirely under the direction of the proprietor of Monticello, whose estimate of his talents and learning was frequently manifested, both in written correspondence and personal intercourse, by the most flattering expressions of confidence. He enjoyed, in scarcely inferior degree, the esteem of Mr. Jefferson's friend, the Abbé Correa, some time Minister from Portugal to this country, a man of distinguished erudition, and always a most welcome and admired visiter at Monticello.

I may mention, in this place, that the family of Pen Park has been recently more conspicuously brought to the view of the public by the interest attached to the career of Thomas Walker Gilmer, a grandson of the Doctor, not long since governor of Virginia, and later still, Secretary of the Navy, which post he held for a few months under the disastrous administration of the first Vice-President who has ever been called to the Presidential chair of the Union. The bursting of the great gun, "the Peace-Maker," on board of the Princeton, in February, 1844, will long be remembered in Virginia for the sudden and melancholy end it brought to the Secretary, then in the prime of vigorous manhood, and in the anticipation of a life of increasing honours.

Wirt, as I have hinted, was not the most sedate of all who rode the circuits. In those old-fashioned progresses from court to court, when the gentlemen of the bar, booted and spurred, rode forth more like huntsmen than learned clerks,—or like the Canterbury pilgrims, partially united the character of both,—sedateness was no very popular virtue in the troop. Amongst those who constituted Wirt's associates on these occasions, Dabney Carr was the most intimate. James Barbour, also, was a companion and friend of both. These friendships, so early began, lost nothing of their kindness or sincerity, throughout the vicissitudes and separations of after-life.

Dabney Carr, the father of the gentleman I have just named, was a man of high consideration in the state. He was a member of the

Legislature, in 1773, from Louisa, and most favourably known for his ability and zeal on the side of the colonies in their resistance to the encroachments of the parent government. He was the intimate friend of Henry, Nicholas, Lee, Pendleton, Jefferson,—indeed of all who had become distinguished in Virginia in promoting the first movements of the revolution.

With Mr. Jefferson he had a nearer connection, having married his sister. He died in May, 1773, almost immediately after the adjournment of that Legislature in which he had distinguished himself by the spirit and eloquence with which he urged the proposition, then first introduced by himself, for a more effective and concentrated action of the colonies through the means of committees—a proposition which, being adopted, seems to have stimulated the formation of the first Continental Congress.* He left behind him six children, of whom the three youngest were sons, Peter, Samuel and Dabney.

Dabney, the youngest of these, was born but a month before the death of his father, and was, therefore, not more than half a year the junior of his friend and comrade, Wirt. These two young men, so near the same age, living in the same part of the country, practising at the same bar, possessing great similarity of temper and character, both animated by the same ambition, contracted an affectionate intimacy which never afterwards lost its warmth, and which, as the reader will hereafter perceive, was most pleasantly illustrated in the correspondence between them to the latest period of their lives.

Peter Carr, the eldest of the three brothers, attracted the particular notice and regard of his uncle, Mr. Jefferson, in whose published correspondence will be found many evidences of the concern he took in the education of his nephew. This gentleman had directed his attention to the bar, which at that date, much more even than at present, was regarded as the best avenue to distinction. He, however, did not practise, but, preferring rural life and the pleasures of philosophical and literary study, betook himself to a farm in Albemarle, where he lived greatly beloved by his friends for his bland, affectionate and upright character, and admired by all who knew him as a polished and elegant scholar.

* See Mr. Jefferson's letter to Dabney Carr, April, 1816. Writings of Jefferson, vol. 4, p. 271.

Colonel Samuel Carr, the second of these sons, is still living, an opulent country gentleman, well known both in the political and social circles of Virginia, as one of her most valued citizens. He resided, during a great portion of his life, upon a landed estate in Albemarle, called Dunlora, and represented his district in the State Senate, where he acquired an extensive and well-deserved influence.

It was in the circle of which these gentlemen were amongst the most prominent members, that Wirt found the cherished companions of his early forensic life.

An incident, connected with this period, is worth relating.

James Barbour, Dabney Carr, and Wirt, were on their customary journey to Fluvanna, the adjoining county to Albemarle, to attend the court there, "the State of Flu," as that county was called in their jocular terms. They had been amusing each other with the usual prankishness which characterised their intercourse. Wirt was noted for making clever speeches, as they rode together. In these, he was wont to imagine some condition of circumstances adapted to his displays. Sometimes he rode ahead of his companions, and, waiting for them by the road-side, welcomed them, in an oration of mock gravity, to the confines of "the State of Flu," representing himself to be one of its dignitaries, sent there to receive the distinguished persons into whom he had transformed the young attorneys of the circuit. These exhibitions, and others of the same kind, are said to have been of the most comic spirit, and to have afforded many a laugh to the actors. At the time of the incident I am about to relate, the three whom I have mentioned, arrived at Carr's Brook, in Albemarle, the residence of Peter Carr, where they dined and passed the night. During this visit, whilst indulging their customary merriment, Barbour entertained them with a discourse upon the merits of himself and his companions, in the course of which he undertook to point out their respective destinations in after life. "You, Dabney," said he, "have indulged a vision of judicial eminence. You shall be gratified, and shall hold a seat on the Bench of the Court of Appeals of Virginia. Your fortune, William," he continued, addressing himself to Wirt, "shall conduct you to the Attorney Generalship of the United States, where you shall have harder work to do than making bombastic speeches in the woods of Albemarle. As for

myself, I shall be content to take my seat in the Senate of the United States."

This little passage in the lives of the three gay companions, has only become notable from the singular fulfilment of the jocular prophecy in respect to each of the parties.

Within a year or two after the marriage of his daughter, Doctor Gilmer died. In the division of his estate, which became necessary upon this event, a portion of it, known as Rose Hill, was allotted to the young wife and her husband, and here Wirt built a house, which thenceforth, nominally, became his residence. Rose Hill was in the vicinity of Pen Park, and as its new proprietors had no children, they spent so much of their time in the family mansion, as scarcely to allow us to say they had changed their dwelling-place. Amongst the several letters of Wirt, which have been preserved, belonging to this period, I find them all dated at Pen Park, affording evidence of the fact that the writer had not ceased to regard himself as an inhabitant of the domicil. I am tempted here to give one of these letters written, in the spring of 1799, to his friend Carr, which, dealing with a matter of no more importance than an invitation to dinner, may, nevertheless, interest the reader by the picture it affords of the light-heartedness of its author.

"I cannot go over to see you to-day, my good friend. And I have almost as many, and as solid reasons for my conduct, as Doctor Ross had for not wearing stockings with boots. The first of his was, that he *had* no stockings, and his catechiser was satisfied. Let us see whether you will be as candid.

"Firstly.—We have a troop of visiting cousins here, who have come from afar, and whom we cannot, you know, decently invite to leave our house.

"Secondly.—We have, perhaps, finer lamb and lettuce to-day, for dinner, than ever graced the table of Epicurus, not meaning to imply any thing to the dishonour of *Don*lora or *Dun*lora,—or something, I forget what.

"Thirdly.—Mr. Ormsby is here, who brings an historical, topographical, critical, chronological and fantastical account of Kentucky and its inhabitants.

"Fourthly.—To conclude, we have determined that, immediately

upon the receipt of this, you are to start for this place; for, you observe, that the same reasons which justify my staying at home, prove the propriety, and, I hope you will think, necessity of your coming hither."*

CHAPTER VI.

1799—1802.

HAPPY LIFE AT PEN PARK.—MISFORTUNE.—DEATH OF HIS WIFE.—RELIGIOUS IMPRESSIONS.—DETERMINES TO REMOVE TO RICHMOND.—ELECTED CLERK TO THE HOUSE OF DELEGATES.—NEW ACQUAINTANCES.—PATRICK HENRY.—RESOLUTIONS OF NINETY-EIGHT.—RE-ELECTED CLERK AT TWO SUCCEEDING SESSIONS.—TEMPTATIONS TO FREE LIVING.—TRIAL OF CALLENDER FOR A LIBEL UNDER THE SEDITION LAW.—WIRT, HAY, AND NICHOLAS DEFEND HIM.—COURSE OF THE TRIAL.—A SINGULAR INCIDENT.—JUDGE CHASE.—NULLIFICATION.—FOURTH OF JULY ORATION.—EMBARRASSED ELOCUTION.

THE term of his residence in Albemarle may be reckoned as marking the golden days of William Wirt's youth. He came to this region poor, and we may say, without friends,—at least, without such friends

*I have to acknowledge my indebtedness, for much of what I have been able to collect relating to the family of Dr. Gilmer, and Mr. Wirt's connection with it, to the kind assistance of the Hon. Wm. C. Rives, of Castle Hill, in Albemarle, and of his friend and neighbour, Mr. Franklin Minor, a grandson of Doctor Gilmer. I may take this occasion also to express my obligations to Mr. David Holmes Conrad, of Berkeley, for some interesting particulars relating to Judge Carr, and to Messrs. John R. Thompson, of Richmond, the accomplished editor of the Southern Messenger, and John M. Muschett, of Charles county, Maryland, for very acceptable contributions respecting the early life and professional history of Mr. Wirt. To numerous other friends I owe the same acknowledgment for many favours received in the course of my occupation upon these memoirs, and must content myself with this general proffer of my thanks, for services which have not been less useful to me than they have been indicative of the highest appreciation of the worth of the subject of my labours.

as open to us the road to fortune. He was inexperienced in the business of life, provided with no great store of useful knowledge, not yet sufficiently acquainted with the strength or value of his faculties to give him assurance of his fitness for the contests through which alone the career he had chosen might become prosperous. We may imagine him, also, neither over-confident in his discretion nor sanguine in his dependence upon the guidance of his judgment. Yet here it was his happiness to witness the quick growth of esteem and consideration; to become conscious, day by day, of the unfolding of those talents which were adequate to the winning of a good renown. Here he found himself growing, with rapid advance, in the affections of a circle of friends, whose attachment was then felt as a cheerful light upon his path, and which promised a not less benign radiance over his future days. But above all other gratifications, here it was that he became an inmate of that delightful home which love had furnished, and which wise counsel and instruction made as precious to the mind, as its other allurements had made it to the heart.

We err, if we believe that a life of unmixed content is the most auspicious to the fortunes of a young aspirant for fame. It need not be told to those who have been most active in the emulous trials by which consideration is won in the world, that the highest order of talent stands in need of the spur of occasional disappointment to stimulate its vigour, nor that a career of uninterrupted enjoyment is apt to dull the lustre of the brightest parts, and extinguish the ambition of the most generous and capable natures. Adversity is not unfrequently the most healthful ingredient in the cup of human experience, and the best tonic to brace the mind for those encounters in which virtue is proved and renown achieved.

Wirt was brought to the test of this truth more than once during that period of happy sojourn amongst the delights of Pen Park. We have already noticed the death of Doctor Gilmer, his instructor, guide and friend. In the fifth year of his marriage a more severe calamity fell upon him, in the loss of his wife. This event came with an overwhelming anguish, to teach him, if not the first, certainly the most painful lesson of his life, upon the uncertainty of human happiness and the duty of establishing our hopes upon surer foundations than the treasures of earth.

There is observable in the early letters of Mr. Wirt, some occasional indications of that sentiment of reverence for religious subjects, which, towards the close of his life, had expanded into the prominent characteristic of his mind. No occasion of hilarity, no companionship of wild and careless spirits, no youthful indiscretion seems ever to have betrayed him into the profanation of subjects esteemed sacred, or to the practice of the scoffs and jests which are too currently indulged in the festivities of thoughtless youth, or of unthinking age.

The death of his wife naturally strengthened this sentiment, and furnished occasion for the improvement of his heart, in the entertainment of more earnest pursuit and study of religious topics. I do not mean to affirm that this event led him to any external profession of religious duty; or that it, in any very perceptible degree, altered his demeanour in the presence of the world; but it had its influence in impressing more deeply upon his character that profound sense of the sacredness of spiritual truth, and the solace of Christian faith, which every healthful, reflective mind finds in the meditations which are prompted by the death of those we love.

The time had now come when he was once more to be thrown upon the world. His marriage had been without children. There was no tie but that of friendship and the remembrance of an overthrown affection, to hold him to this spot. He was young. The world was still before him; not less promising in its offer of the prize of ambition than it had been. Friends beckoned him to the labours of a fresh contest. An aching memory drove him from the scenes that surrounded him. The mind torn by grief yields readily to the solicitations of adventure, and finds a double stimulus to action, in the desire to escape from present suffering, and the hope to surround itself with new objects of affection.

He determined to establish his residence in Richmond. Before he abandoned Pen Park, he placed a tablet over the grave of her who had first brought him to this spot. The inscription upon it tells, in brief, nearly the whole history of this portion of his life — for it speaks of the two events most indelibly impressed upon his heart, and the sentiment that filled up the interval between the two dates to which they refer:

"HERE LIES MILDRED,

DAUGHTER OF GEORGE AND LUCY GILMER, WIFE OF WILLIAM WIRT

She was born August 15th, 1772, married May 28th, 1795, and died September 17th, 1799.

Come round her tomb each object of desire,
Each purer frame inflamed with purer fire,
Be all that's good, that cheers and softens life,
The tender sister, daughter, friend and wife,
And when your virtues you have counted o'er,
Then view this marble and be vain no more"*

Thus closed a short episode in his life, which comprehended some five years of early manhood, illustrated by his first access of that circle of friends who became the solace of his after days, and by the experience of the purest of all delights, the associations of the domestic hearth, its affections and its virtues.

The bitterness of that misfortune which broke in upon this period of content, for a time suspended his practice, and drove him to other scenes and occupations. He went to Richmond, where the Legislature was in session. His friends in that body persuaded him to become a candidate for the post of clerk of the House of Delegates. The emoluments of this office were sufficient for his comfortable support; and the duties belonging to it were not so engrossing but that he might pursue his profession whilst he held it. The office itself was one of sufficient consideration to be regarded by a young man, to whom all public station was new, as an advancement in the career of life. It had been occupied in past time, by Chancellor Wythe, by Edmund Randolph, and others of name and fame in the State. Wirt was elected, and forthwith entered upon its duties.

This appointment was so far serviceable to him that it brought him into acquaintance with some of the most distinguished men of the day. Mr. Madison, whom he had previously known, Mr. Giles, Mr. Taylor of Caroline, and Mr. Nicholas, were members of the Legislature at this session. Patrick Henry had also been elected to a seat

* I am almost afraid to claim these verses as original. But I believe they were written by Mr. Wirt. If my reader, more conversant than I am with the stores of this kind of literature, should be able to trace them to another author, he will excuse my error. They resemble in style and structure some few poetical effusions of Mr. W., which have come to my hands.

in the House of Delegates, but his death, which took place a few months after his election, deprived Wirt of the opportunity to make a personal acquaintance with, or even to see, the great orator whose fame it became his province afterwards to commemorate.

Mr. Henry's participation in this Assembly had been looked to with a most profound interest throughout the State. The celebrated Resolutions of Ninety-eight had passed at the previous session. Henry's hostility to these resolutions had awakened his characteristic zeal in the cause of the country, and had brought him out from his retirement, once more to seek active duty in the field of his old renown. This was at a time when his constitution, greatly shaken and enfeebled by disease, had left him physically but the wreck of what he had been, though in mental power, we may infer, from what is told of the eagerness with which he threw himself into this contest with the distinguished men who sustained the resolutions, his infirmities had not yet lessened his confidence, nor quenched the ardour of his matchless eloquence. He had sided with the Federal Government on the questions which gave rise to those resolutions; and had expressed himself to the electors in his county, during his canvass, in terms of deep and unalterable hostility against the position which Virginia had assumed at this crisis. In his addresses, on this occasion, to the people, all his ancient fire seems to have rekindled, and there was every indication given that, in the approaching session of the Legislature to which he was elected, his monitory voice would be heard in rebuke of the proceeding of the previous Assembly, as clear and as stirring in its notes, as of old it had been heard, above the din and tumult of the Revolution. The side he had taken on this question was remarkably unpopular. It was in opposition to the opinions of the great majority of the people of Virginia, and to that of the most venerated and powerful political leaders. His hostility had raised Mr. Madison and his compeers, to whom I have already referred, to the defence of the resolutions, and it was every where hinted that the coming session was to be one of extraordinary interest. So strong was the feeling against Mr. Henry for his course in this juncture, that his oldest and best friends were alienated from him. Some excused what was called his aberrations, on the ground of his age and infirmities; others, less charitable, imputed them to worse motives:—

all looked to him, however, friend and enemy, with intense interest, to note his conduct, hear his argument, and weigh his opinions; all conscious that in this, probably the last scene in his public life, a great effort would be made to sustain his fame. Death came to his rescue, to save him from a contest in which, whatever might be the weight of his wisdom, the glory of his eloquence, or the integrity of his heart; however brilliant the exhibition of all these, they would have proved unavailing either to conciliate the friendship of estranged compatriots, or to overcome the hostility of the excited numbers who had already prejudged and condemned him. His triumph might, in no event, be won for the day in which he lived. Time only could be regarded as the true arbiter of his wisdom. Doubtless, when he resolved upon that contest, he sought no guerdon of applause from the present; he looked only to the future. The sage who has filled the measure of his days, and who, standing upon the margin of the grave, has no longer a motive to temporize with human passion or succumb to personal interests, scruples not to defy the world's opinion and to utter unwelcome truth to the generation around him, — has even a positive pleasure in this duty. He appeals to posterity for judgment, and is content to bide its coming. Old age contemplating its access to the world of eternity, instinctively inclines to reckon itself as associated with the future, and therefore more delights to speak to a coming generation than to that which it is about to leave.

How far Mr. Henry's opinions, in regard to the famous "Resolutions of Ninety-eight," have been justified by what has been developed since, is a speculation which may amuse those who take pleasure in exploring the tendency of the mind to exaggerate the importance of political events in the time of their bringing forth, and to remark how often and how significantly Time satirizes man's wisdom by turning the current of his fancied great exploits into channels which lead to nothing, losing their stream in the sand. These resolutions, so noted, have already served out their time, and have been cast into the great receptacle of abstractions, as things of no useful import. Professing to be expositions of the constitution, they already require expounders themselves; and, apparently, being scarce deemed worthy of the study of a commentator, they have been abandoned to their fate. They are now seen only as a buoy, floating

where there is no shoal, and warning the navigator of dangers to which he has learned to trust his keel, without precaution or alarm.

So great, however, was the excitement against Mr. Henry, at the time to which I have referred, that, upon the announcement of his death to the Legislature, and the suggestion of a monument to commemorate the gratitude of Virginia in behalf of the great patriot and orator, party zeal so far triumphed over the honourable pride of the representatives of the State, as to dismiss the proposition. And, from the silence of the journals of subsequent legislatures upon this proposal, the dismissal seems to have been final.

Wirt served, in his new office, with credit and full public approbation through the session, and was re-elected to the same post in the two succeeding years. If the society which Richmond afforded him, during his term of public duty, served to extend his acquaintance and good repute with those whose esteem is amongst the most precious things of life to a young man, it also brought him into some of those perils to which he was, from his character, peculiarly exposed. The Legislature was a concourse of gay and ungoverned youth, as well as of wise and sober age. The city in which the Legislature sat was somewhat noted, of old, for its choice spirits, its men of wit and pleasure, and its manifold inducements to tax the discretion of those who had no great store of that commodity to meet the requisition. The young clerk of the House was a great favourite with all. Every door was opened to him; every gay circle welcomed his coming, and the favour and admiration of friends were overpaid by draughts on an exchequer which suffered more from what it received than from what it disbursed,—a witty and playful spirit, which could not be exhausted in its outpourings, but which, too often, lost its guidance in the cloud of homage it brought around itself.

This portion of his life, Mr. Wirt, in his own review of it, was accustomed to consider as one of great temptation. Indeed, in the midst of its enjoyments, he was often led to reflect upon the necessity of a more severe devotion to his better aims, as he conceived them to be, in the steady pursuit of his profession.

He held the post of clerk of the House of Delegates during three sessions of the Legislature. In the first year of this term of service, he was brought somewhat conspicuously to the public observation as

the counsel of Callender. This person, who seems to have made a trade of libelling, who had been equally, at different periods, the calumniator of Washington, of Adams and of Jefferson, was indicted, in the spring of 1800, at the instance of Samuel Chase, then the presiding Judge of the Federal Government over the Circuit which comprehends Richmond, for the publication of a pamphlet which had gained an extensive notoriety, at that period, for a scandalous assault upon the existing administration. This pamphlet was entitled "The Prospect before us," and is yet remembered by many as one of the most pungent and acrimonious tracts connected with the political excitements of that day. The indictment of Callender was one of the first prosecutions under the sedition law. The enactment of that law had, in part, supplied the topic to the Virginia Resolutions, which, as we have seen, were yet a prominent subject of public discussion. The impolicy of this law, and the eager denunciation of it by a powerful and, indeed, now predominant party in the Union, gave to the prosecution of Callender a factitious importance, very much above what either the book or its author might have challenged on the score of their own significance.

The counsel for Callender were George Hay and Philip Norborne Nicholas, both young men holding a most respectable position at the Richmond bar. Wirt was associated with them in the cause, and was the youngest lawyer of the three. The case seems to have been a clear one, and Callender was convicted. In the impeachment of Judge Chase, some five years later, before the Senate of the United States, it was charged against him, in reference to this trial, that his conduct during the whole course of it was marked "by manifest injustice, partiality and intemperance." Amongst the specifications to sustain this charge were the following:

"In the use of unusual, rude and contemptuous expressions towards the prisoner's counsel, and in insinuating that they wished to excite the public fears and indignation, and to produce that insubordination to law to which the conduct of the judge did, at the same time, manifestly tend.

"In repeated and vexatious interruptions of the said counsel, on the part of the said judge, which at length induced them to abandon

their cause and their client, who was thereupon convicted and condemned to fine and imprisonment."

Judge Chase was known to be of a peremptory and absolute temper; and the testimony upon his impeachment shows, what, at least, may be said to be, a severe and perhaps discourteous bearing towards the counsel in this case. But, as an answer to the charge of manifest injustice, partiality and intemperance in his demeanour, the *unanimous* vote of acquittal—the only unanimous vote of the Senate in the case,—is conclusive.

We may infer, therefore, that the abandonment of the defence of Callender by his counsel, was one of those theatrical incidents—*coups de theâtre*—which ingenious advocates are sometimes known to contrive, as more efficacious in the way of defence, than the attempt to breast an array of inevitable and discomfiting facts. Such a device seems well suited to a state trial, in which auditors and jury are supposed to have all their sympathies and good wishes with the prisoner. It was a political affair, in public estimation, and the retirement of counsel, under the pretext of being driven off by the hectoring temper of the judge politically hostile to the prisoner, was likely to be regarded not as a confession of the guilt of their client, but as an appeal to the jury, and an invocation to them to take him into their protection. The facts, however, were too clear against Callender, and the adroit counsel were disappointed in the efficacy of the movement, if it were dictated by the considerations I have suggested.

We must, however, confess that the dogmatism of the judge, not to say the positive harshness of his treatment of the counsel, may have been the true and only motive for their retirement; although the point might be strongly argued against the right of an advocate, in a cause which he conscientiously believes to be good, to desert his client and leave him to his fate, under any amount of provocation or insult from a judge, which did not actually disable him from performing his duty.

Mr. Hay and Mr. Nicholas were both examined as witnesses on the impeachment. From their testimony it appears that the chief, if not the only defence of Callender, was upon the constitutionality of the sedition law, which point, it would seem, they were desirous should be submitted to the jury. The judge was known to be unal-

terable in his view of the constitutional question; and there being no hope from him, the counsel insisted upon the power and the right of the jury to nullify the act of Congress; — a heresy, we may call it, which has been revived in a later day, and which has fared no better with the American people than it did upon its first production, with Judge Chase. This doctrine, the first and almost the only fruit of the Resolutions of Ninety-eight, has been, from first to last, a Dead Sea apple which has crumbled into dust whenever it has been lifted to the lips.

Our young advocate figures in this scene. I extract what relates to him from Mr. Hay's testimony before the Senate.

"It was the intention of the counsel of Callender," says that gentleman, upon his examination, "to defend him on the ground of the unconstitutionality of the sedition law. The gentlemen who were associated with me preceded me in the argument, but were not permitted to address the jury on the point I mentioned. The treatment experienced by Mr. Wirt, I have, in some degree, related. He was interrupted two or three times by the judge, for the purpose of telling him that the doctrine for which he was contending,—that the jury had the right of determining the law as well as the fact,—was true. Mr. Wirt then stated 'that the constitution was the supreme law of the land.' Judge Chase told him 'there was no necessity for proving that.' Mr. Wirt then went on to argue 'that if the constitution was the supreme law, and if the jury had a right to determine both the law and fact of the case, the conclusion was perfectly syllogistic, that the jury had a right to determine upon the constitutionality of the law.'"

Upon this, the same testimony states, Judge Chase replied, "That's a *non sequitur*, sir."

"At the same time," says Mr. Hay, "he bowed with an air of derision. Whether Mr. Wirt," he continues, "said any thing after this, I do not recollect." Mr. Hay then detailed his own course in the argument: his urging upon the judge that this was a question for the jury—"I stated to the court, in terms as distinct as I could, the specific purpose for which I meant to contend. I think it was, that the jury had a right to determine every question which was to determine the guilt or innocence of the traverser. The judge asked me

whether I laid down this doctrine in civil, as well as criminal cases; 'because,' said he, 'if you do, you are wrong.' I replied that I considered it universally true, but that it was sufficient for my purpose, if it applied to criminal cases only. I went on as well as I was able with the argument, when I was again interrupted by the judge. What the circumstances were, or the words used, I do not recollect. I believe that I was interrupted more than twice. My impressions then being, that *I should be obliged to undergo more humiliation than I conceived necessary,* I retired from the bar. When Judge Chase found I was about retiring, he told me to go on. I told him that 'I would not.' He said 'there was no necessity for my being captious.' I replied that 'I was not captious, and that I would not proceed;' and immediately retired from the bar, and, I believe, from the room in which the court was held."

Mr. Nicholas says, after Mr. Wirt sat down, "I followed him, and was not interrupted by the judge. Mr. Hay followed me, and observed that the jury had a right to decide the law. Mr. Chase asked him whether he meant in civil as well as in criminal cases, because if he did, he was wrong. Mr. Hay replied that he conceived the proposition to be universally true—but that it was sufficient for his purpose if it applied to criminal cases. He then proceeded a little further, and was again interrupted by the judge. Mr. Hay then stopped, folded up his papers, and left the court; *and we left it at the same time.* What happened afterwards, I know not."

So, the three young lawyers trooped out of court, with their papers bundled up. Hay led the van, and young Wirt, with his laughing eye, and sly, waggish face, casting queer glances, no doubt, right and left, amongst the bar inside of the railing, and the spectators outside, brought up the rear.

This was a scene under the Resolutions of Ninety-eight. Callender, we must suppose, quailed now, on being deserted by his champions, before the awful majesty of Chase's brow. The jury, we may imagine too, were affected to indignation and anger, and the crowd moved to pity at Callender's forlorn and friendless state. The bar perhaps, indulged a little secret comment,—whispered in their sleeves, some laughing hints of miscarriage;—and the three retired counsel, after wearing the face of indignant patriotism for a limited time, when

they got together at one or the others' office, we must believe, had some rather jocular misgivings whether Callender would fare the better for this first effort at nullification; or congratulated themselves at getting out of a case that was pretty sure to go awry.

When Judge Chase came to deliver the opinion of the court, his language, in reference to the question which seems to have raised the indignation of the counsel, was as follows:

"I will assign my reasons why I will not permit the counsel for the traverser to offer arguments to the jury, to urge them to do what the constitution and law of this country will not permit, and which if I should allow, I should, in my judgment, violate my duty, disregard the constitution and law, and surrender up the judicial power of the United States.

* * * * * *

"The statute on which the traverser is indicted, enacts 'that the jury who shall try the cause shall have a right to determine the law and the fact, under the direction of the court, as in other cases.' By this provision, I understand that a *right* is given to the jury to determine what the *law is* in the case before them, and not to decide whether a statute of the United States produced to them is *a law or not*, or whether it is *void* under an opinion that it is *unconstitutional* —that is, contrary to the constitution of the United States.

* * * * * *

"I cannot conceive that a right is given to the petit jury to determine whether the statute, under which they claim this right, is constitutional or not. To determine the validity of the statute, the Constitution of the United States must necessarily be resorted to and considered, and its provisions inquired into. It must be determined whether the statute alleged to be void, because contrary to the Constitution, is prohibited by it *expressly* or by *necessary implication.* Was it ever intended by the framers of the Constitution, or by the people of America, that it should ever be submitted to the examination of a jury to decide what restrictions are *expressly* or *impliedly* imposed by it on the National Legislature? I cannot possibly believe that Congress intended by the statute to grant a right to a petit jury to declare a statute void. The man who maintains this position must

have a most contemptible opinion of the understanding of that body. But I believe the defect lies with himself."

This is a short extract from an opinion at some length, in which the question is most ably argued. Whether the concluding remark of the paragraph above quoted, was designed as a reflection personal to the counsel in the case, or not, it certainly may be regarded as discourteous, and indicative, perhaps, of some degree of temper, which we may believe to have been roused by the collision which the trial produced. If there was any purpose of reflection upon the counsel in it, we have reason to infer that it was not specially provoked by the deportment of Wirt, towards whom the judge seems to have retained the kindest feelings. Speaking of the incidents of his trial on the impeachment, soon after it was concluded, to a friend of the young counsellor, after whom he had inquired with an affectionate interest, he remarked: "They did not summon him on my trial. Had I known it, I might have summoned him myself. Yet it was only to that young man I said any thing exceptionable, or which I have thought of with regret since."

The trial of Callender took place in May, 1800. On the fourth of July following, Wirt delivered an anniversary oration, for which purpose he had been selected by the democratic party in Richmond. It is characterised by the author of the memoir to whom I am indebted for so many particulars contained in this narrative, as "fervid and rapid," "unpremeditated" in its manner, and is said to have been pronounced "so little like other prepared orations as to have been thought extemporary."

In the early period of his professional life, as we have already remarked, his elocution was far from being easy and unembarrassed. It was of that character which would be most likely to impart the idea that even a prepared oration, such as this to which the memoir alludes, was the extemporaneous production of the occasion. The hesitation at one moment, the too rapid flow of utterance at another, and frequent stammering, might leave such an impression on the hearer. Mr. Wirt, in speaking of his difficulties in this particular, once said to a friend: "My pronunciation and gesture at this time were terribly vehement. I used sometimes to find myself literally stopped, by too great rapidity of utterance. And if any poor mortal was ever forced to struggle

against a difficulty, it was I, in that matter. But my stammering became at last a martyr to perseverance; and, except when I get some of my youthful fires lighted, I can manage to be pretty intelligible now."

This was his recollection, after the lapse of many years, and was always pleasantly dwelt upon by him, as coupled with the reflection how completely he had vanquished these difficulties of enunciation, by careful attention and judicious practice.

CHAPTER VII.

1802—1803

ELECTED TO THE POST OF CHANCELLOR — VALUE OF THIS APPOINTMENT—REASONS FOR ACCEPTING IT—COL. ROBERT GAMBLE — COURTSHIP — A THEATRICAL INCIDENT — SECOND MARRIAGE — REMOVES TO WILLIAMSBURG — LETTERS TO CARR — RESIGNS THE CHANCELLORSHIP, AND DETERMINES TO GO TO NORFOLK.

In the session of the Legislature which terminated in the winter of 1802, the last of the three sessions in which Wirt was the clerk of the House of Delegates, an act was passed for dividing the Chancery jurisdiction of the State into three districts. Heretofore the whole of this jurisdiction had been vested in a single Chancellor; and the venerable George Wythe had, for a long period, discharged its duties, with a fidelity and learned skill which have placed him in the rank of the most eminent jurists of the country. The increasing business of the court, however, had now rendered it indispensable that the labour should be distributed, and the Legislature had therefore passed the act to which I have referred.

The clerk of the House was agreeably surprised, before the close of this session, to find that the Legislature had selected him for one of these new appointments. He was altogether ignorant of their purpose to confer this honour upon him, until the moment when he was requested to withdraw from the House of Delegates, in order that his

nomination might be made and the election proceeded with. He was elected by a unanimous vote. An honour of such magnitude, conferred under such circumstances, speaks very intelligibly as to the estimation in which the subject of it was held. He was at this time twenty-nine years of age. He had the professional experience of his country practice in Albemarle, and that of some two years in the more extended theatre of the Richmond courts; but he was still what might be considered a junior at the bar, and scarcely in a position to attract the public attention for a post so grave and responsible in its duties as a Chancellor, unless we suppose him to have given decided and satisfactory manifestations of a capability to attain high eminence in his profession. It had not entered into his imaginings to expect such a mark of favour from the Legislature. The same diffidence in himself which forbade him to solicit such a distinction, now wrought in him some perturbation of spirit in the accepting of it. It is not always the quality of true genius to distrust itself, for there are instances of men of the brightest parts obtruding themselves upon the public, with that eager self-commendation which we are accustomed to call vanity in weaker minds; but this attribute of diffidence is so generally the accompaniment of youthful merit, that we scarcely err when we reckon upon it as one of the signs by which we may prophesy future success. So full of apprehension was the newly-designated Chancellor on this occasion, of his ability to acquit himself in this high function with credit and usefulness, that, it is told of him, he called upon the Governor, Mr. Monroe,—then, and always afterwards, his friend, and who most probably had something to do with the nomination,—to communicate his doubts and fears as to his suitableness, either in age or acquirement, for the post. "Mr. Monroe," says my authority, "replied, that the Legislature, he doubted not, knew very well what it was doing, and that it was not probable he would disappoint either it or the suitors of the court." *

The district assigned to him in this appointment, comprehended the eastern shore of Virginia and the tide-water counties below Richmond. The duties of the station required that he should reside in Williamsburg, a point rich in associations with the history of the State, and where was to be found a cultivated and refined society, in every re-

* Cruse's Memoir.

spect most likely to prove agreeable to the tastes of the new functionary.

In adverting to this appointment and its consequences, in the following letter to his friend Carr, written after he had reached Williamsburg, he reveals the considerations which influenced him, in terms which show how justly and how deeply he was impressed with the necessity of a more sedate pursuit of those better aims in life to which I have more than once referred. It will be remarked, in the reading of the first paragraph of this letter, that Carr was desirous to obtain the clerkship just made vacant by the preferment of his friend.

WILLIAMSBURG, February 12, 1802.

MY DEAR DABNEY:

This moment I received yours of the 5th. First, with regard to the clerkship. You will have heard, before this reaches you, that on the evening preceding the last day of the session, James Pleasants was elected clerk, for the purpose of making his way easy at the next session. If, after this, you determine to offer for the place, you may expect from me *all* that the warmest friendship can perform. And though I am removed from the immediate scene of action, I flatter myself I could be of service to you.

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Now, for *my honour*. —— As to the profit, it is a decent maintenance. Next year, the probability is, it will be worth five hundred pounds,—on which I can live. And although the clerkship, together with my practice, would have produced more cash, yet it was precarious, and therefore subjected me to the hazard of living beyond its limits. It was earned, too, by that kind of labour which left no opportunity for the further cultivation of the mind.

There is another reason, *entre nous*. I wished to leave Richmond on many accounts. I dropped into a circle dear to me for the amiable and brilliant traits which belonged to it, but in which I had found, that during several months, I was dissipating my health, my time, my money and my reputation. This conviction dwelt so strongly, so incessantly on my mind that all my cheerfulness forsook me, and I awoke many a morning with the feelings of a madman.

I had resolved to leave Richmond, and was meditating only a decent pretext to cover my retreat. In this perplexity, the appointment descended upon me, unsolicited, unthought of, with the benevolent grace of a guardian angel. Yes, my dear Dabney, if I do not fill the office with justice, at least, to my country, it shall not be for want of unremitting effort on my part.

* * * * * *

Your friend,

WM. WIRT.

The Chancellor entered upon his employment, as we may infer from this letter, with a hearty resolve to make this event an era from which he might date the beginning of a graver and more steadfast career of duty and self-control.

During his residence in Richmond, his good fortune brought him into an intimacy with the family of Colonel Robert Gamble. This gentleman was a merchant in that city, and was greatly esteemed for his probity and intelligence. He was wealthy, or, at least, in the enjoyment of a competency which enabled him to practise a liberal hospitality. His fireside was familiar to the most cultivated society of the time. His manners were grave and thoughtful, such as attract the deference of the elder portions of the community, and command the reverence of the young.

The clerk of the House of Delegates had a special motive, beyond that of his companions who frequented Colonel Gamble's house, to desire his good opinion. His unguarded life, unfortunately, rendered this, perhaps, a more hazardous venture, than many others found it. His intimacy brought him within the sphere of the attraction of one who was destined to become the guardian spirit of his life. It was not long after the period to which our narrative has now arrived, that Elizabeth, the second daughter of Col. Gamble, became the wife of the subject of this memoir. Of all the fortunate incidents in the life of William Wirt, his marriage with this lady may be accounted the most auspicious. During the long term of their wedlock, distinguished for its happy influence upon the fortunes of both, her admirable virtues, in the character of wife and mother, her tender affection and watchful solicitude in every thing that interested his domestic regard, and in all that concerned his public repute, commanded from him a devotion which, to the last moment of his life, glowed with an ardour that might almost be called romantic.

In the many letters which have been preserved, written by Mr. Wirt to his wife, beginning in the earliest period of their acquaintance, and continued to the last, most of which have passed under the review of the author of this biography,—if such confidences could be published to the world, they would exhibit to the reader the most agreeable evidences of an attachment of which time had no power to dull the edge, and which not less intensely engrossed the affections

of his mature age, than it commanded the worship of his early manhood. No eulogy can better express the merit of a woman, than such a tribute from one so able to observe, and so formed to appreciate female excellence.

This prize was not won without many apprehensions. The lover had not yet given that hostage to fortune which might be said to strengthen the assurance of the father in the success of the young votary.

The giving away a daughter's hand is a perilous and responsible office to a parent. Men weigh this matter, often, with painful anxiety, even when the foundations for hope are strongest. The clerk of the House, we must admit, was not in the safest category for a father's ready consent. There are some men who ripen early, and, at eight or nine and twenty, have their full freight of discretion and judgment. There are others whose boyhood runs into a later date. Wirt was one of these, as they who were intimate with him in advanced life might testify. A certain boyishness of character, if I may call it so, did not altogether desert his mature age, and, indeed, often disputed the mastery in it.

Colonel Gamble, the story goes, had his doubts whether the suitor should be presently sped in his enterprise, or whether he should wait for a longer probation. When he was consulted by the misgiving candidate on that awful point, "to be, or not to be," there was some demur, and the young gentleman was put upon his good behaviour.

During this interval, as the tale has been told, Colonel Gamble had occasion, one summer morning, at sunrise, to visit his future son-in-law's office. It unluckily happened that Wirt had, the night before, brought some young friends there, and they had had a merry time of it, which had so beguiled the hours, that even now, at sunrise, they had not separated. The Colonel opened the door, little expecting to find any one there at that hour. His eyes fell upon the strangest group! There stood Wirt, with the poker in his right hand, the sheet-iron blower fastened upon his left arm, which was thrust through the handle; on his head was a tin wash-basin, and, as to the rest of his dress—it was hot weather, and the hero of this grotesque scene had dismissed as much of his trappings as comfort

might be supposed to demand, substituting for them a light wrapper that greatly added to the theatrical effect. There he stood, in this whimsical caparison, reciting, with an abundance of stage gesticulation, Falstaff's onset upon the thieves. His back was to the door. The opening of it drew all attention. We may imagine the queer look of the anxious probationer, as Colonel Gamble, with a grave and mannerly silence, bowed and withdrew, closing the door behind him without the exhange of a word.

How long this untoward incident might have deferred the hopes of the young people, we cannot say; but the promotion to the Chancellorship came in, most opportunely, to sustain the pretensions of the lover, and to furnish a new pledge for his future sedateness; and all further trial was dispensed with. He was married in Richmond, on the 7th of September, 1802.

He held the Chancellorship but some six or seven months after his marriage. The duties attached to it were onerous, exacting nearly all his time, whilst they excluded him from that various practice upon which he had built his hopes of eminence. The salary was too small to meet the demands of a family, and at his time of life he felt that such a post was to be regarded rather as an impediment to his progress than a furtherance. The chief advantage to be derived from it was the testimony it gave to the world of his standing in his profession, and that benefit was not likely to be greatly enhanced by his continuing to hold it. A judicial appointment, in this country, may justly be regarded as the appropriate honour of professional life after the active period of ambitious labour is past. It is best adapted to that stage when men may be supposed anxious to exchange the severer toils of practice for honourable elevation, and for the leisure that may enable them to digest and improve the studies which, in the importunities of full occupation at the bar, generally produce fruits more abundant than ripe. But to a young lawyer, stimulated by the hope of fame and by the ardour of genius, intent upon mastering his profession and turning it to good account in the attainment of wealth, such an appointment is but a hindrance at every step after the first.

These considerations were brought very cogently to his mind in the position in which he now found himself. In the month of November he removed his wife to Williamsburg, and devoted himself throughout

the ensuing winter with assiduity to the duties of his office. During this period he made up his mind to relinquish his judicial honours, and to throw himself once more upon his profession. The public attention was at that time strongly drawn to Kentucky, as a field especially propitious to the enterprise of the young. Numbers of the most respectable families of Virginia had already migrated to that State, and the marvels of its rapid growth and teeming prosperity were recounted with such commendation as to raise a general fervour in behalf of settlement in this El Dorado of the West. We have since become familiar with these charms of western adventure, and have seen the vast wilderness beyond the Allegany spring into civilization, refinement and luxury, with an impulse that even transcends all that the excited imagination of the day to which our narrative refers ever promised. At that time, however, the promise was mainly directed to Kentucky, and thither the tide of emigration from Virginia and the other central States chiefly tended.

Wirt was caught by this common fervour, and began seriously to meditate upon a removal to the new country. Friends in Kentucky urged him to come, painting to him in glowing colours the success and advancement that awaited him. Friends in Virginia advised him to go, seconding and confirming all the arguments which the first had used in the way of inducement. There was, however, one richly deserving the name of a true and generous friend, who advised a contrary resolve, and entreated him to remain in Virginia. This gentleman was Littleton Waller Tazewell, then a most prominent member of the Norfolk bar, and subsequently greatly distinguished throughout Virginia and the Union as one of the leading lawyers and politicians of that State. His advice to Wirt was to adhere to that society in which he had already experienced so much favour, and to establish his hopes of advancement upon the exercise of his talents at the bar of Virginia. To enforce this solicitation, Mr. Tazewell offered to share with him his own practice in Norfolk, and to throw in his way every advantage which his legal connections might put at his disposal. The letters which follow to his friend have a reference to these questions, amongst others, which are debated with a pleasant mixture of good sense and gaiety of temper particularly characteristic of the writer.

TO DABNEY CARR.

RICHMOND, February 13, 1803.

CARISSIME CURRUS:

* * * * * *

This honour of being a Chancellor is a very empty thing, stomachically speaking; that is, although a man be full of honour his stomach may be empty; or, in other words, honour will not go to market and buy a peck of potatoes. On fifteen hundred dollars a year, I can live, but if death comes how will my wife and family live? Her father and mother perhaps dead, her sisters and brothers dispersed to the ends of the earth, what will become of her? This is the only rub that clogs the wheels of my bliss, but it is in my power to remove even this rub, and, in the event of my death, in a few years to leave my wife and children independent of the frowns or smiles of the world.

What I have to ask you, then, is, shall I, for the sake of a little empty honour, forego the pleasure of this independence? a pleasure which would soothe me even in the hour of death; or shall I, for the sake of attaining this blessed independence, and the contentment and dignity of mind which belong to it, renounce at once the starving honour which I now possess? You may see, from the terms in which I state the case, that my own mind is in favour of the latter renunciation. Nevertheless, it would give me great satisfaction that my friends, too, approved of my plans.

The counsels of my friends in Virginia and Kentucky, press me with fervour to the latter country. There is an uncommon crisis in the superior courts of that State, and I am very strongly tempted to take advantage of it. I would go to the bar, and bend all the powers of my soul and body to the profession for fifteen years. In that time, I have no doubt, I should have amassed a sufficiency of wealth, to enable me to retire into the lap of my family, and give up my latter days to ease.

In the course of my business there, too, it would be my study so to unite my dignity with my interest as, in my old age, to be able to lead my sons (if I am blessed with sons) upon the theatre of life, so as to pre-engage for them the respect and confidence of the world, that they might never blush at the mention of their father's name, unless it were a blush of reflected honour and virtuous emulation. These are the scenes which dance before my delighted imagination, which I believe by no means chimerical; on the contrary, if I enjoy my natural health, I have no doubt (from the actual experience of others in the same State) of my ability to realize them. Such is the prospect on one hand. On the other, it is possible that I may, like Mr. Wythe, grow old in judicial honours and Roman poverty. I may die beloved, reverenced almost to canonization by my country,

and my wife and children, as they beg for bread, may have to boast that they were mine. Honour and glory are indeed among the strongest attractions, but the most towering glory becomes dust in the balance when poised against the happiness of my family.

If you think it right that I should resign, the questions which remain are, when shall I do so, and in what country shall I resume the practice of law?

As to this *when?* I am thirty years of age; fifteen years more will make me forty-five. In my opinion, a man of forty-five ought to be able to work or play as he pleases. I have no notion of toiling on till I am too old or too infirm to enjoy even retirement:—so that I have no time to lose.

As to the *where?* In Virginia, the most popular lawyer in the State merely makes the ends of the year meet,—I mean Edmund Randolph. I have this from the gentleman who keeps his books. Virginia, therefore, is not the country for my purpose. The federal city is not to my taste, or interest. It would require too much time there to take root. In the soil of Kentucky, every thing flourishes with rapidity. Besides, I love the ardent character of the State; and, moreover, it is a country calculated to give a man his choice of modes of life. Land being cheap and fertile, he may farm it on his country-seat, or dash away, when his wealth will authorise it, in the circles of the gay, or float his commercial speculations down the Mississippi. This latter view of the subject is meant to apply to the various views of those to whom I shall, with the blessing of heaven, give my name.

Pray let me have your thoughts at large on this subject.

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Heaven preserve you,

Your friend,

WM. WIRT.

TO DABNEY CARR

WILLIAMSBURG, March 20, 1803.

* * * * * * *

You speak of my removal to Kentucky like a friend. The separation from many who are dear to me will be painful. It is a pain which I seem to have been destined to suffer more frequently than almost any body else equally fond of friends. From the time I first left my native roof (at the age of seven) I have lived nowhere, except merely long enough to let my affections take a firm root, when, either want or calamity has torn me up, and wafted me into some strange and distant soil. Eight or ten times I have experienced this fate:—and although a separation from those whom I love and who love me, however often repeated, would still be painful, I derive comfort from

the thought that my stars have never yet thrown me upon a soil too cold or barren for friendship and love. And besides, were I to remain here, I should be almost as much lost to you and my other beloved friends in Albemarle, as if I were on the banks of the Ohio. I owe you, my dear friend, a detail of the reasons which actuate me in this measure, and I render it with pleasure.

If I had nothing else to consider but the immediate support of my family, I should be obliged to resign my Chancellorship. Although you cry out "qui fit Mecænas," it is not caprice, but the iron hand of want, which impels me to this resignation. It is true that by rejecting every social advance from the inhabitants here, which I should be obliged to do, since I could not return them; by immuring myself, from day to day and forever, within the solitary walls of my own house, my salary might be sufficient to purchase bread and meat, and such raiment as such a life might require; but these are conditions which I choose not to impose either on others or myself. Another consideration, replete with terror, is that, as my salary depends on my own life, my death would throw my wife and children on the charity of a cold and selfish world. All these things considered, and also that I am now in the prime of life, I would ask whether it would not be mean, little, and worthy of eternal infamy, to sit quietly down against the light of conscience, and see these misfortunes coming upon me, one after another, in direful succession? Would you think a man worthy of your friendship who should be capable of such disgraceful indolence?

The resignation of the Chancellorship becoming thus inevitable, the only remaining question is, where shall I resume the practice of my profession? The answer clearly is, in that country where I can, with most certainty, achieve the object for which I resign. That is, a support for my family, independent of the world and of my own life. You understand me. This is a question which I have deliberately considered—not in the delirium of a Kentucky fever, "hissing hot, Master Brooke," but with all the scrupulous, conscientious coolness of which my mind is capable.

You ask, why quit the State which has adopted, which has fostered me, which has raised me to its honours? It is the partiality of your friendship which puts this question. I am sure that it is very immaterial to Virginia where I reside.

* * * * *

I throw this point entirely out of the question, and consider simply the interests of my family: to this I am determined that every feeling of private attachment and prepossession for Virginia shall bend. Knowing, as I have done experimentally, the agony to which the want of wealth, or at least independence, exposes any mind not devoid of sensibility, it becomes a point of conscience, in the first place, and

soon an object of pleasurable, of delightful pursuit, to shelter those who are dear to me from all danger of the like torment. Having once effected this purpose, death, who would be to me now a king of terrors indeed, would become merely a master of ceremonies to introduce me into the apartments above.

You ask me how many you could name who are now amassing at the bar, in this country, wealth as fast as their hearts can desire, or quite fast enough? I answer, I don't know how many you could name. W., it is true, made a fortune.—— C. is also making a fortune.—— With the exception of these two, there is not another individual who has hitherto done this at the bar of these courts, or who is now in the way of doing so. I am not sure of John Taylor of Caroline. He, however, practised at a most auspicious period; such a one as does not now exist. Baker, Innes, Pendleton, Wythe, Marshall, Washington and others,—what have they made *by the profession?* Not more than the most ordinary lawyer in Kentucky is able to do in five or six years.

* * * * *

Between ourselves, I was thirty years old the eighth day of last November. Have I any time to lose? and, considering "the uncertainty of life and the certainty of death," is it not the highest wisdom to improve every flying moment to the best advantage? Ten years of life would do but little here. In Kentucky, they might and probably would make my family affluent.

For the first time in my life (and with shame I confess it) I look forward, my dear Dabney, with a thoughtful mind, and a heart aching with uncertainty, to the years that lie before me. I cannot abide the reflection that the time shall ever come when my conscience shall reproach me with having neglected the interests and happiness of my family; with having involved, by my want of energy and enterprise, a lovely and innocent wife, with a group of tender and helpless children, in want and misery.

* * * * *

But Hope, like an angel of peace, whispers to my heart that this shall not be. She does, indeed, sketch some most brilliant and ravishing scenes to my waking as well as sleeping fancy. Wealth, fame, respect, the love of my fellow-citizens, she designs with the boldness and grandeur of an Angelo, while, with all the softness and sweetness of Titian's pencil, she draws my wife and a circle of blooming, beauteous and smiling cherubs, happy as innocence and peace and plenty can make them.

* * * * *

Your friend,

WM. WIRT.

The Chancellorship was resigned in May, 1803, and the project of the emigration to Kentucky abandoned. Wirt now determined to take up his abode in Norfolk, in accordance with Mr. Tazewell's advice, although, for the present, he still resided in Williamsburg.

TO DABNEY CARR.

RICHMOND, June 6, 1803.

* * * * * * *

Well, sir, you have heard that I have disrobed myself of the Chancellor's furs, and I feel much the cooler and lighter for it. Not but that there was some awkwardness in coming down to conflict with men, to whom, a few days before, my dictum was the law. The pride was a false one, and I revenged myself on it. I feel little triumph in being thus able to get out of myself, to survey, from an intellectual distance, the workings of my own heart, to discern and to chastise its errors.

The man who can thus make an impartial and candid friend of himself, has gained a great point in the reformation and perfection of his character.

Thus it is that a man balances the account of his feelings; mortification presents her charge, and vanity raises a countervailing item.

You are aware that I am already done with the Kentucky project. I heard, very lately, that there was no *cash* in that state; that fees were paid in horses, cows and sheep, and that the eminence of their lawyers was estimated by the size of their drove, on their return from their circuits: while, on the other hand, I was drawn to Norfolk by the attractions of her bank.

The single experiment which I have made, justifies this latter move. I have been to one District Court, at the town of Suffolk, received cash two hundred and eleven dollars, and received other business, from substantial merchants, making the whole amount of the trip five hundred and twenty-eight dollars, which I consider as no ill omen of my future success. In one word, I am assured, and I have every reason to believe it, that my annual income will be twelve hundred pounds, on one-half of which I can maintain my family, even were it much larger than it is. Two or three years' practice will put me in the possession of cash which, in such a place as Norfolk, I shall be able to turn over to the greatest advantage; and, all things considered, I do not think the hope extravagant, that by the time I am forty, or, at farthest, forty-five, I shall be able to retire from the bar, in ease and independence, and spend the remainder of my life in the bosom of my family, and in whatever part of the country I please,—

so that I think it not improbable I shall, at last, lay my bones near you, in the county of Albemarle.

* * * * * * *

I leave this place to-morrow.

Adieu, my dear friend,

WM. WIRT.

CHAPTER VIII.

1803.

COMMENCES PRACTICE IN NORFOLK.—PROFESSIONAL SUCCESS.—LETTER TO POPE.—COMMENTS ON THE PARSIMONY OF JUDICIAL SALARIES.—BIRTH OF HIS ELDEST CHILD.—RELIGIOUS SENTIMENTS. — TRIAL OF SHANNON. — SINGULAR CASE OF CIRCUMSTANTIAL EVIDENCE.—REMOVES HIS RESIDENCE TO NORFOLK.

AFTER the resignation of the Chancellorship, Wirt repaired to Norfolk to recommence the practice of the law in that borough. His family residence, however, was still kept up at Williamsburg, and was not changed until the ensuing winter.

His reputation, increased by his late official position, now began to bring in to him a full harvest of professional fruits. He found himself at once inducted into what, at that day, was termed a large practice, and it was manifest that he was rising rapidly to a commanding eminence at the Virginia bar.

Amongst the letters of this period I find one which dwells, somewhat in detail, upon his progress in his profession, and contains some strictures upon the policy of the State Government in reference to judicial salaries. These strictures have not lost their point at the present day, and may be read with profit in other sections of the United States than Virginia.

This letter is written to one of the first and best of Wirt's friends in that state. The name of William Pope will frequently occur in these pages connected with a familiar and playful correspondence. This gentleman, now an octogenarian, still survives to attract the regard of a large circle of friends, whose most cherished recollection of

him invariably associates him with the memory of the subject of these memoirs.

He resided, at the date of this correspondence, as he does at the present time, (1848,) at Montpelier, his family seat in Powhatan—a central point between Richmond and Albemarle, somewhat famous of old for the good-fellowship attracted by its worthy proprietor.

TO WILLIAM POPE.

RICHMOND, August 5, 1803.

MY DEAR SIR:

* * * * * *

It gives me pleasure to find that my resignation is not disapproved by my friends. To me, the measure was indispensably necessary. The present subsistence and future provision of my family depended on it. I only wish that it may lead the way to some resignation whose inconvenience the State would sensibly feel. Such an event would bring our fellow-citizens to their senses on the subject of salaries. To be sure, in a republic, public economy is an important thing; but public justice is still more important; and there is certainly very little justice in expecting the labour and waste of a citizen's life for one-third of the emoluments which he could derive from devoting himself to the service of individuals. Most surely there is no ground on which such a sacrifice could be justly expected, except, indeed, on the ground of public necessity. If Virginia were too poor to pay her officers, it would then become patriotic, indeed it would become a duty, to make this sacrifice to the country's good. But as it is merely *the will* and not *the power* that is wanting, it is out of the question to expect that a man should make a burnt-offering of himself, his wife and his children, on the altar of public avarice or public whim. It is really humiliating to think, that although these plain truths will be acknowledged by any member of the Legislature to whom you address them in private, yet there is scarcely one man in the House bold enough to vote his sentiments on the subject, after a call of the yeas and nays:—he will not dare to jeopard his re-election by such a vote. Where is the difference between an Assembly, thus unduly influenced, and the National Assembly of France, held in duress and impelled by the lawless shouts of a Jacobinic gallery? Would a Cato or a Brutus, in the Roman Senate, even have suppressed, much less belied, his real sentiment from a fear of public censure? Or is public virtue a different thing now from what it was in their time. But the best of human institutions have their defects,—and this is one of those which cleave to the glorious scheme of elective government. In all cases, whatever may be his own opinion, the representative seems to think himself a mere mirror to reflect the will of his constituents, with all its flaws, obliquities and

distortions. Even when he knows that it will injure the country, he will but echo the popular voice, with the single motive of retaining his ill-deserved office rather than offend the people by honest service. This brings to my recollection that Roman Consul who was sent to oppose Hannibal. He was pressing the Carthaginian sorely, when his enemies at Rome, envious of the glory which he was about to gain, procured a peremptory mandate by which he was required immediately to lay down his commission and appear at Rome to answer a criminal impeachment. But he saw that a few days more of service would deliver his country from the invader, and therefore, neither indignant at his country's ingratitude, nor appalled by her menaces, he dared to disobey. Hannibal was vanquished,—Rome was saved, and a triumph was decreed to the disobedient victor. What member of our Assembly is like this consul?

I am very much obliged, by the friendly apprehensions which you express for my health, on account of the climate of Norfolk. But I believe that Norfolk is not at all dangerous, except in the latter end of August, September, and the beginning of October; and during these months, I shall be able to leave the place without any material injury to my revenue. The prospect which it holds out to me, is flattering in the highest degree. I am already engaged in very productive business in five courts; so that you will perceive my plan is now too broad to admit of the enlargement which you so kindly propose to me. I am very sanguine that, with the blessing of Providence, I shall be able to retire from business in ten or fifteen years, with such a fortune as will place my family, at least, above want.

* * * * * *

And how do you prosper, my good friend? Does fortune flow in upon you in a golden deluge? I hope it does. Good men only deserve to be rich, because they only are disposed to employ their wealth for the good of the world. But things in general take a different turn, and none grow rich but the selfish and the sordid. Our friend B——, however, is an illustrious exception to this remark. A more feeling, a more benevolent, a more philanthropic heart never palpitated in the bosom of a man. I love him because he makes no parade of his sympathies. He is good, and kind, and tender in secret; and he is satisfied with the silent, yet genial approbation of his own heart. But, because he is not a scribe or pharisee, to stand in the market and crossways to render ostentatious charities, and because he still thrives and prospers, the malignant world has slandered him as selfish and miserly.

* * * * * *

I beg you to give my sincere and fervent love to him. Remember me, also, if you please, to that excellent little fellow, Q——, and believe me, dear Pope,

Your friend,

WM. WIRT.

On the 3d of September, within a few weeks after the date of this letter, Wirt's eldest child, Laura Henrietta, was born.

This event awakened his feelings to new resolves in the way of duty, and, what is worthy of note, to a more full and open recognition of those sentiments of religious faith to which I have heretofore adverted, and in the gradual development of which, throughout the progress of his life, we shall see a natural and agreeable illustration of the tendencies of a highly intellectual mind to seek for its security and content in the sacred wisdom of Christianity.

We have a strong evidence of this conviction in a letter to Mrs. Wirt, written to her in Richmond, whilst her husband was employed in the duties of his profession at Williamsburg. In submitting a few extracts from this letter, I must express the reserve I feel against the violation of those confidences which belong to a relation that, of all others, is least suited to the exposure of its secrets to the world. The free utterances of the heart, in such a relation, may very rarely and scantily afford a theme for public comment, even with the most delicate caution in the disclosure. To bring them within the confines of what is due to the proper office of biography, much must necessarily be omitted; and, in regard to that which is given, the reader will receive it with the allowance which may justly be claimed for communications which were never designed for perusal beyond the family hearth, or to encounter a remark that was not suggested by the nearest and most affectionate sympathy with the writer.

I may hereafter have many extracts to make from this portion of Wirt's correspondence, and I therefore announce, in advance, the consideration which shall induce me to withhold much more than I submit, and which I hope will equally relieve me from the imputation of improperly invading the sanctuary of private affection, and what I may offer from the criticism of fastidious readers.

On the present occasion he writes:

* * * "Your reason will forbid you to lament my absence too deeply, when you reflect what it is has carried me away. It is not misfortune; but, strong in health, flushed with hope, and animated by the consciousness that I am in the discharge of my duty, I go to prepare more prosperous days. * * * * This is the reflection which, with the smile of Heaven, shall not only sup-

port me through fatigue, but sweeten all the toils of my profession. How rugged would the path even of duty appear; how fruitless, how solitary, how disconsolate would even prosperity be, if I alone were to taste it! It is the thought that my wife and children are to share it with me— * * * These are the fond ideas which possess my soul; which never fail to smooth my brow in the midst of tumult, to speak peace to my heart, and to scatter roses over my path of life.

* * * * * *

"How much do I owe you! Not only the creation of my hopes of happiness on earth, but the restoration of my hopes of happiness in a better world. * * * I must confess that the natural gaiety of my character, rendered still more reckless by the dissipation into which I had been allured, had sealed my eyes, and hidden from me the rich inheritance of the righteous. It was you, whose example and tender exhortations rescued me from the horrors of confirmed guilt, and taught me once more to raise my suppliant mind to God. The more I reflect on it, the more highly do I prize this obligation. I am convinced, thoroughly and permanently convinced, that the very highest earthly success, the crowning of every wish of the heart, would still leave even the earthly happiness of man incomplete. The soul has more enlarged demands, which nothing but a communion with Heaven can satisfy. The soul requires a broader and more solid basis, a stronger anchor, a safer port in which to moor her happiness, than can be found on the surface of this world.

* * * * * * *

"Remembering how often Heaven snatches away our idols, to show us the futility of sublunary enjoyments, and to point our thoughts and affections to a better world, I pray that its kindness would so attemper my love for my wife and her child, as not to destroy the reflection, that for them, as well as every other blessing, I depend on the unmerited beneficence of my God; and never to permit my love for them to destroy my gratitude, my humble dependence on the Father of the Universe, whose power is equalled by his parental kindness and mercy.

"How should I be laughed at if this letter were read by those who were once my wild companions! How should I be envied if they

knew the sweet feelings with which I have poured out these reflections, warm from my heart!"

Constitutionally gay and light-hearted as the author of this letter always was, even to the latter days of his life, and noted in youth for what might almost be deemed the excess of this temperament, these evidences of his graver thoughts and feelings cast a mellow tint over his character, and furnish an early presage of the predominating hue which distinguished it in the evening of his career.

He was, about this time, concerned in the trial of a cause in Williamsburg, together with his friend Tazewell and Mr. Semple, (a gentleman who was afterwards promoted to the bench,) as counsel for a man by the name of Shannon. This case is only remarkable as a curious instance, both of the conclusiveness of circumstantial evidence, and the uncertainty of the verdict of a jury, when perplexed by the eloquence of adroit counsel.

Shannon was arraigned for the murder of his father-in-law, who had been shot at night, in his own house, through the window. No motive was known to exist for the deed; the murderer was unknown; and the circumstances of the case almost defied investigation. The death was produced by buckshot. The morning after the murder, whilst the neighbours, and such others as the rumour of the deed had brought together, were examining the premises, to find some clue to the discovery of the assassin, and had come almost to the point of abandoning the inquiry as hopeless, one amongst them, a man somewhat noted for his shrewdness in curious investigation, placed himself in what he concluded must have been the post occupied by the murderer when the shot was fired; then, examining along the line of the direction of the fire, he discovered a small piece of letter-paper, which manifestly, from the mark of powder and fire upon it, must have been part of the wadding of the gun. This paper had a single letter, *m*, written upon it, and torn from the word to which it belonged. About the moment when this discovery was made, some one remarked that Shannon, the son-in-law, had not been present that morning. His absence on such an occasion was thought strange; and, forthwith, a general inquiry was made after him. With no stronger ground for suspicion than this fact, a search was immediately made to ascertain where he was. He dwelt on the opposite side of James River, some seven or eight

miles distant; but it was proved that he had been in Williamsburg the day before, with a gun which was without a lock. A blacksmith, who gave this testimony, stated, moreover, that Shannon had brought the gun to him to be repaired, and he not being able to repair it that day, it was taken away in the condition in which it was brought. A party now set out for Shannon's house. He was not there: he had not been there during the night. They pursued their quest, and found him at last, thirty miles off, in a tavern, asleep, with his clothes on. Upon being arrested and examined, a few buckshot were found in his pocket, and a letter with one corner torn off, to which the fragment picked up at the house of the deceased was applied, and found to fit, coupling the letter *m* with *y*, and showing its proper relation in a written sentence. These facts, it seems, were not strong enough to persuade the jury of the guilt of the prisoner. One of the twelve, more scrupulous than the rest, or, we may infer, more susceptible to the influences of the specious eloquence of counsel, who were, doubtless, very *ingenious*, as the phrase is, in the defence of the suspected culprit, "hung out," and, as a consequence, starved out his compeers, and so brought them to the confession that they could not agree; and they were accordingly discharged, and Shannon was allowed to go forth unmolested, to claim the benefit of his successful speculation.

Wirt appears to have excited great expectations as the counsel in this case. The court-house at Williamsburg was thronged with visiters,—a large number of ladies amongst the rest,—and his speech in the case is remembered as one of the best of his early displays at the bar.

In a letter to his wife, written when this trial was about to come on, 29th Sept. 1803, there is the following reference to it:

"Only one Judge to-day—Winston. Parker is expected to-night.

* * * * * *

"The gallery was full of ladies, expecting to hear (as C. tells me) Mr. W—— defend Shannon. —'Vain creature!' say you. — Vain enough; but not on this account. The man who knows and feels his own foibles, and can draw off from himself so far as to make a proper estimate of his own imperfections, will not be hurt by the flatteries of others.

* * * * * *

"What do you think of Shannon's gallantry? Although in irons and chained to the wall and floor, he has made a conquest of the gaoler's wife, and she has declared her resolution to petition for a divorce from her husband, and follow Shannon, if he is acquitted, to the end of the world."

* * * * * *

In the month of December, Wirt took a house in Norfolk, and by the commencement of the new year, 1804, he removed his family thither, to make it, for the future, his permanent abode.

CHAPTER IX.

1803—1804.

THE BRITISH SPY.—ENEMIES MADE BY IT.—LETTERS TO CARR, WITH SOME ANECDOTES CONNECTED WITH THE PUBLICATION OF THE SPY.—HIS OPINION OF THAT WORK.

WIRT now appears in the character of an author. During the month of August, 1803, he commenced the letters of The British Spy. They were published in September and October, in "The Argus," at Richmond.

The popularity of The British Spy, had scarcely a parallel in any work, in the same department of letters, which had, at that date, been contributed to American literature. It may be regarded as having conferred upon its author a distinct and prominent literary reputation.

The reader of these letters, at this day, will express his surprise that the public judgment should have given such weight to a production so unlaboured, and so desultory. He will not fail to perceive, it is true, in these essays, an agreeable foretaste of high literary accomplishment; but he will regard this rather as the earnest of a talent to achieve a distinction in letters, than the achievement itself; and he will find occasion, in the singular success of this little book, to remark how eagerly the taste of this country was disposed, at that period, to welcome any clever effort to contribute even the lightest

donation towards the increase of our small stock of national authorship.

These letters are written in a polished and elegant style, exhibiting, very notably, a most accurate study and appreciation of the best standards of English literature. They deal with such topics of superficial observation as a casual residence in Virginia, and particularly at Richmond, might be supposed to supply to an educated foreigner. The distinctive traits of Virginia society, manners, opinions and popular institutions, are glanced at with a happy facility of observation; some geological questions are discussed with an acuteness of remark and fullness of information which demonstrate that the science to which they refer was a favourite study of the author. But the chief topic, and one which, it is evident, furnished the predominant motive to the writing of the letters, is that which leads him to a dissertation upon modern eloquence, and the illustration of it by a picture of some of the leading lawyers of Virginia. To this theme he had obviously given a careful study, and sought to embody its conclusions in these letters. He performs this duty with the love of a student expatiating on his chosen pursuit. The British Spy may, in this respect, be considered as the treatise "De Oratore" of one who was no small proficient in the art, and, in that light, may be read with profit by every aspirant to the honours of the public speaker. He who does read it will regret that a master who could so happily instruct, has not, at greater leisure, with larger scope and at a maturer period of his life, given to the world a volume on this topic enriched by his own varied experience and profound philosophy.

The success of these letters astonished no one more than their author. They were written rapidly, and committed, almost as soon as written, to the columns of a newspaper, where they appeared with every blemish and imperfection to which such a medium of publication was liable. Although a studied concealment of the authorship was preserved, during the period of publication and for some time afterwards, this did not protect the writer either from vehement suspicion at first, nor from the final determination of the paternity of the book by the community.

In some of the portraits which the author drew of his contemporaries at the bar, he is said to have given offence, and to have brought

upon himself threats of reprisal. At the present time, so remote from that which witnessed these agitations, we marvel that comments, so little derogatory to the personal excellence of the subjects of them — which, in fact, rather infer and sustain their reputation, as men sufficiently prominent to form examples and studies — that these should have embittered any one against their author. It is, nevertheless, true, as we shall see in some of the correspondence of this period, that the author did not escape without making enemies by his book.

It is pleasant to know, however, that these enmities were not long-lived, and that some of the most intimate friends and associates of Mr. Wirt's subsequent days were those with whom he was supposed to have too freely dealt in the letters.

The asperities which arose out of this publication did not check the author in the career of his humour, nor disturb his equanimity. Nor did they disable him from his defence, as may be seen from the perusal of the volume.

Extensive as was the popularity of this small work at the time of its first appearance, it is but little read at the present day. Forty years bring a severe test to the quality of any book. They are generally fatal to the million of light literature. There was a time when few libraries in this country were unsupplied with a copy of the British Spy. It is not so now. The overteeming press pours forth its stream with such torrent-like rapidity and fulness, that the current has well-nigh swept away the light craft of the last generation—even such as were supposed to be most securely moored. We must look for them now only in those nooks and occasional havens where the fortunate eddy has given them shelter against the pressure of the flood. The British Spy is still worthy to be refitted and thrown once more upon the wave.

The two following letters to Carr furnish some pleasant anecdotes connected with the production of this little book. In the second of the two, the reader will mark some new aspirations towards literary enterprise, agreeably mixed up with some details of professional occupation, and with a grave dissertation upon a subject of growing importance in the mind of the writer.

TO DABNEY CARR.

Norfolk, January 16, 1804.

My Dear Aminadab:

Yours, of the 31st ult., reached me by the last mail. I am rejoiced that this silence is at last broken. I was several times on the point of breaking it myself, although, as you acknowledge, you were a letter in my debt; but some perverse circumstance always thwarted the intention. Indeed, like Martha, I have been busy about many things; though I hope that, like Mary, I have chosen the better part.

This is Sunday, so you must allow me to be a little scriptural. But waving with you the *why* and the *wherefore*, I rejoice at this resurrection of our correspondence, and I trust that no wintry circumstance will ever again occur to suspend its pulse of life even for a moment. Mark, sir, how metaphorical I am! But, in plain and sober earnest, I look to you as one of those few well-tried and dearly-beloved friends who will often relax my "brow of care," and checker, with soft and genial light, the dusky path of life. I look forward, with a kind of plaintive pleasure, to the period when, after my bones are in the grave, my children, in turning over my old letters, will meet with yours and my dear Peachy's,* and, with eyes swimming with tears, hang over your warm and affecting expressions of love and friendship. It is this that touches my heart; it is this pathetic prospect, connected with the present enjoyment of your intercourse, that fortifies me against the chances of the world, and new strings my system for the labours of my profession. But for the domestic joys which encircle me, and the conviction that I have a few valuable friends by whom I am known and beloved, I should be the poorest wretch for business that ever groaned upon the earth. How can men toil as I see them doing here; business in their heads, business in their hearts, business forever in their faces, without one palpitation to tell them what love and friendship mean? Not, my dearest sir, that I would turn my back on any business, however herculean, but I must unbend and refresh whenever the voice of pure affection calls me. Often, my dear Dabney, may yours call me! You will find my heart ever ready to echo you.—But to answer you, in order.

I come, in order, to a certain author y'clept the British Spy. I shall not be either so unfriendly or so childishly affected as to deny the brat to be my own. To the world, however, I do not choose to make any such proclamation, for divers obvious reasons. Indeed, I gain nothing by this silence. The *thing* is as generally and confidently imputed to me, as if my name were in the title-page. For

* Mr. Peachy Gilmer, an elder brother of Francis Walker.

you are to understand that, very far beyond my expectations, the printer has found it his interest, not only to bind it up in a pamphlet, but to issue a second edition. It is meet that I give you some account of the rise and progress of this affair.

I was in Richmond, attending on a business with whose painful anxieties experience has made you acquainted. It was to divert my own mind, during this period of uneasiness and alarm, that I began to write. But after the project was thus started, I will acknowledge to you, my friend, that there were secondary considerations which supported and warmed me throughout the enterprise. I was gratified by the encomiums which were generally pronounced on the composition, and I was still more delicately gratified in observing the pleasure with which my wife heard those encomiums. I was flattered by the circumstance that, while the world applauded, it concurred in imputing the production to me; and this without any other evidence than that of the work itself. For the imputation proved, at least, that the world had not a disadvantageous opinion of my understanding. I adopted the character of a British Spy, because I thought that such a title, in a republican paper, would excite more attention, curiosity, and interest than any other: and having adopted that character, as an author I was bound to support it. I endeavoured to forget myself; to fancy myself the character which I had assumed; to imagine how, as a Briton, I should be struck with Richmond, its landscapes, its public characters, its manners, together with the political sentiments and moral complexion of the Virginians generally. I succeeded so well that in several parts of the country, particularly in Gloucester, and in the neighbourhood of Norfolk, the people went so far as to declare that they had seen the very foreigner, (and a Briton he was, too,) who had written the letters. The editor of a paper in Massachusetts, by whom the letters were republished, declared his opinion that the author was an American who had received his education in Great Britain, and had now returned to his native country. Otherwise he could not account for the union of British prejudice with the intimate knowledge of this country, which was manifested in the work. You may be sure that I was not a little tickled with these sagacious guesses. Unfortunately, however, in my zeal to support my adopted character, I forgot myself too far in some of the letters. Hence the strictures on the entertainers of Dunmore's son; hence the portraits of living characters, which I drew with a mind as perfectly absorbed in the contemplation of the originals, and as *forgettive* of personal consequences "as if I had really belonged to another planet;" and, upon my honour, with as little ill-will towards either of the gentlemen. It was not until it appeared in print that the letter portraying R—— and W—— startled me. Then the indiscretion stared me full in the face; but "the die was cast,"—and, to make the worst of it, I had merely published imprudent truths. But I had made enemies of

the gentlemen themselves, with all their connexions and dependencies. To W—— I have made some atonement in the last edition, because of the magnanimity with which he viewed the publication; but to R—— I have not offered, and I never will offer, an expiation. He had the vanity to declare that the whole work, although it embraced such a variety of topics, had one sole design, and that was to degrade him; was weak enough to mention, in one of his arguments before Mr. Wythe, "the scrutinizing eye of the British Spy," and to express to his brethren his wish that the British Spy was practising at that bar. This has been told me on unquestionable authority. In his last wish he has been in a measure gratified. He was called to the bar of the Suffolk District Court in an important case in which I opposed him. The question was a legal one, and the argument, of course, addressed to the court. He had the conclusion, and, as Tyler and Prentis were the judges, I was a little uneasy lest the weight of R——'s name, added to the authoritative manner of his speaking, should have an undue effect on their honours; for this reason I thought myself authorised to express this apprehension, which I did with the highest compliments to his eloquence. I went farther, and anticipated, as well as I could, not only the matter but the very manner of the replies which I supposed he would make to my argument. I am told that all this was most strikingly in the spirit, style, and manner of the British Spy. I had, however, no intention to wound his feelings, but merely to do justice to my cause, and give it fair play before the court.

Apprehending, from the faces of the company, as well as from the mortified looks of R——, that I had gone beyond my purpose, and said more than the occasion justified, I spoke to him, and stated very sincerely the purpose of my remarks. He professed to be satisfied; but he was disconcerted and wounded, past all power of forgiving. He was so confounded, that in his argument he manifested nothing of the orator, nor even of himself, but the person and voice. His arguments were the very weakest his cause furnished; his order (to use an Irishism) was all confusion, and he is said to have made the very worst speech that he ever did make. In short, he disappointed every body, and lost a cause which he had declared himself, all over the country, sure to gain. If he had never been my enemy before, that one adventure would have made him so. He is, I suppose, implacable; but, as my heart acquits me of any premeditated injury, and as I fear him not, I am very little disturbed at his displeasure. Mr. W—— is not only reconciled, but, to all appearance, even partial to me, since he has been lately instrumental in promoting my professional benefit. Marshall, too, has given me a fee in a Chancery case. Perhaps they are pleased in running parallels between themselves and some great Roman, as Julius Cæsar, who, being severely libelled by Catullus, invited his libeller to supper and treated him so courteously,

that he was ever after his friend. Be it so. I am sure that I am no libeller in intention; and, if I am not blinded by partiality, the portraits in question are marked with candour and benevolence. With regard to the justifiability of the thing, I am not yet convinced that established lawyers are not proper game for the press, *so far as concerns their talents;* nor am I clear that the procedure was wrong on the ground of public utility. That it was indiscreet, I am willing to admit, and I heartily wish I had let them alone. Yet I am very sure that a great part of the public interest excited by the Spy, is imputable to those portraits of prominent characters. For my own part, I declare sincerely, that when I shall have reached that age in which I may be supposed to have touched the zenith of my mind, I should be so far from being displeased, that I should be gratified in seeing my intellectual portrait set in a popular work.

It was alleged, by a writer in the Examiner, under the signature of Cato, that, "in a professional point of view, the Spy was ungenerous, because it was an attempt in the author to degrade the talents of competitors whom he ought to have met only on equal terms."

Now, the fact is, that they are no competitors of mine. I do not practise in the same court with any of them, and whether they are deified or damned, my revenue will be the same. How, then, is my *interest* involved in the affair; even if I were capable of being influenced, in such a case, by so sordid a principle?

I cannot help being surprised at what you tell me relative to the opinion of my political apostasy. I am not, indeed, surprised that such an opinion should exist; for, after the dereliction of B——, almost any suspicions of this nature, about *any body*, are pardonable But what *I am* surprised at is, that any man, however "young," who deserves to be "highly esteemed for intellect," should believe the British Spy to contain evidence of my apostasy.

For the purpose of personal concealment, as well as for the purpose of keeping alive the public curiosity, it was my business to maintain the character which I had assumed, and therefore the sentiments of the Spy are those of a Briton. Would it not have been absurd to clothe a Briton with the opinions and feelings of a Virginian and a Republican?

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I am glad that you, yourself, have viewed this subject in a proper light. No, my dear Dabney, I am not changed. If I were basely disposed to apostatise, I should at least have more cunning than to choose this time for it, when the refulgence of the administration has struck its enemies blind and dumb. Those who suppose me an apostate, pay as poor a compliment to my understanding, as they do to the rectitude of my heart. But I am not angry with them for it; since, from what America has exhibited in some of her leading

characters, each man in the community has a right to exclaim with Cato, "the world has grown so wicked, that I am surprised at nothing."

Your remarks on the Spy, as a writer, are, I think, rather the sentiments of a friend, than the opinions of a critic. Let me give you my opinion of those letters. Putting aside the traits by which the author sustains his dramatic character, his sentiments are generally just, and sometimes display the man of feeling. But his disquisitions are too desultory, and the topics too lightly touched to contain much of the useful. The letters bespeak a mind rather frolicksome and sprightly, than thoughtful and penetrating; and therefore a mind qualified to amuse, for the moment, but not to benefit either its proprietor, or the world, by the depth and utility of its researches. The style, although sometimes happy, is sometimes, also, careless and poor; and, still more frequently, overloaded with epithets; and its inequality proves either that the author wanted time or industry or taste to give it, throughout, a more even tenor. Yet these letters are certainly superior to the trash with which we are so frequently gorged through the medium of the press.

Such is the character which, if I were a critical reviewer, and were reviewing this work, I should certainly give of it; and yet, I cannot but confess that if a critic of reputation were to draw such a character, I should be as much mortified as if it were unjust. Strange, inconsistent creature is man! But enough of the Spy, — except that I will tell you I was very near drawing the character of "the Honourable Thomas" in it. I had the outlines fixed in my mind, but I found, on the experiment, that in finishing up the portrait, I should be obliged, either to sacrifice the unity of my assumed character, or to dilute some of the colours in the most unpardonable manner. I had another consideration. He was the President, with a considerable train of patronage; and, by the time which I had fixed for the insertion of his portrait, I had begun to be suspected as the author of the Spy. I knew, therefore, that political malignity and meanness would ascribe the sketch to motives which I disdain. On all which accounts, citizen Thomas has escaped being butchered by my partiality for him.

You are beginning, by this time, to accuse me of egotism; but, between friends, there is no such thing; for, friends are one and indivisible. Besides, I have said nothing more than what I thought necessary to vindicate myself against aspersions which you have, no doubt, read, and which, perhaps, form a part of that torrent of abuse which has been, and still is, pouring out against me.

* * * * * * *

Little did I dream of such serious consequences from what, to me, seemed an innocent sport; much less did I dream that those trifles would have survived the newspaper ephemeræ of the day; and least

of all, that they would have been perpetuated and extended by a second edition of the pamphlet. O tempora!

* * * * * *

Excuse my *brevity*, and believe me

Your friend,

WM. WIRT.

TO DABNEY CARR.

NORFOLK, June 8, 1804.

* * * * * *

You will acquit me of the poor vanity of boasting of the pressure of business. In the Borough of Norfolk every drone feels the pressure of business. This pressure often, too, depends less on the quantum of business than on the strength and dexterity of the agent. If I had given more of my time to the books and practice of my profession, I should have less investigation and toil to undergo now; but I used to think it enough to have a tolerable understanding of that kind of business which usually occurred in the middle country. I had not the noble and generous emulation which should have incited me to master the science of law in all its departments. The consequence is, that being transplanted to the shores of the Atlantic, where the questions grow almost entirely out of commerce, I have fallen into a business totally new to me, and every case calls for elaborate examination. But I deserve the addition of this labour, and willingly do penance for my past idleness. The principal inconvenience resulting from it is, that I have no time left for reading; and now, most perversely, because it is impracticable, I am stung with a restless passion for the acquirement of science. In this dilemma I have no refuge or consolation, except in very distant prospect. I look on, perhaps with fond delusion, to the time when I shall be able to retreat from the toil of business; when, in the bosom of my own family, I shall find the joys of ease, independence, and domestic bliss — become a very epicure in literary luxuries, and *perhaps* raise some monument to my name, to which my posterity, at least, may look with pleasure. I grant it, sir—it is extremely visionary—it most probably never will come to pass — but possibly it may, and the possibility, remote as it is, reflects a cheering ray to gild the darkness of the present moment. Not, indeed, that the present moment is as dark as Egypt once was. It is true, that I have yet to struggle into notice; I have yet a fortune to make, a family to provide for—a family who, if my life were terminated in any short time, would be thrown on the charity of the world. It is this reflection that wraps my soul in gloom, and the horror is deepened, when I consider the climate of Norfolk, and remember that I am yet a stranger to it. To think of this, and then

to look upon my wife and child!—But "Away with melancholy"—for

> "There's a sweet little cherub sits smiling aloft,
> To keep watch for the life of poor——"

——me.—— *Allons!*

You have made, sir, in your letter of the 29th of February, a rhapsody on life, and love, and friendship, which is exquisitely beautiful and just. How grateful are such effusions! how grateful to my mind and to my heart! They make me proud of your friendship. My dear C., it is at such moments that my soul flies out to meet yours, and as they commingle, I feel myself exalted and refined. Can mere matter be excited to ecstacies so pure and celestial as these? Or is there not, indeed, "a divinity that stirs within us?" I hope, I wish, I cheerfully believe that I have a soul, for then I think myself more worthy of your friendship. I should feel humiliated and mortified, if I could imagine the friendship, the warm, the generous emotions of a heart and mind like yours, lavished on a perishable mass of matter; and I would not, if I could help it, be in any thing unworthy of your friendship.

Now, do not puzzle yourself and me too, on this subject of the soul, by a subtle disquisition concerning the highest point of perfectibility to which matter may be organized; by weighing and balancing the probabilities of different opinions, as we were wont to do, in the scales of human reason. I am persuaded that there is a range of subjects above the reach of human reason; subjects on which reason cannot decide, because "it cannot command a view of the whole ground." Could the tick, which invades and buries itself in my foot, conceive or describe the anatomy of my frame? Could the man who has passed every moment of his life at the foot of the Andes, paint the prospect which is to be seen from the summit? No more, in my opinion, can reason discuss the being of a God, or the reality of that miracle, the Christian faith. If you ask me why I believe in the one or the other, I can refer you to no evidence which you can examine, because I must refer you *to my own feelings*. I cannot, for instance, look abroad on the landscape of spring, wander among blooming orchards and gardens, and respire the fragrance which they exhale, without feeling the existence of a God: my heart involuntarily dilates itself, and, before I am aware of it, gratitude and adoration burst from my lips. If you ask me why these objects have never produced this effect before, I answer that I cannot tell you. Perhaps my nature has grown more susceptible; perhaps I have learned to rely less on the arbitrations of human reason; perhaps I have gotten over the vanity of displaying the elevation and perspicacity of intellect on which the youthful deist is apt to plume himself. Whatever may be the cause, I thank it for leading me from the dreary and sterile waste of infidelity. I am happy in my present impressions, and had rather sit alone in Arabia Felix,

than wander over the barren sands of the desert, in company with Bolingbroke and Voltaire.

Reason, my dear friend, in its proper sphere, is the best, and ought to be the only guide of our actions; but let it keep within its proper sphere, and confine its operations to its proper subjects. I admire its powers, I admire its beauties. I also admire the powers of the chemist, and the beauty of his science: yet, notwithstanding the astonishing developement which the chemist makes of the secrets of nature, however his experiments may break up long-established principles, decompose bodies which for centuries have been deemed simple primitive elements, and prove them to be combinations; re-decompose the ingredients of that combination, and detect them, in their turn, to be compositions; in short, however far the chemist may push his discoveries, his labours must still be confined to *matter;* he cannot analyze *thought.* But thought is not more different from or more superior to matter, than God is to that class of subjects which constitute the theatre of reason. Reason is not, therefore, the proper channel of conviction, in matters so far above its reach. That conviction can be given, in my opinion, only through the channel of sensibility: this is another name for what Soame Jennyngs calls the internal evidence of the Christian faith, and what is generally well understood by the intrinsic evidence of revealed religion.

But enough of a subject on which I should not be at all astonished if, already, you think and pronounce me mad. *When you are as old as I am*, you may thus grow mad in your turn; for, be it remembered, that *when I was as young as you are*, I was as wise as you are, on this subject.

Do not suspect, however, that I am a downright bedlamite, nor even an enthusiast. My sentiments, on this subject, are calm and temperate; they fill me with no horrors for the past, nor agonizing terrors for the future. I cherish them because they are a source of pure enjoyment to me, because they render me more happy in every relation of life, and more respectable in my own eyes; nor would they even have led me to annoy you with this declaration of them, if you had not demanded an explanation of some passages in the Spy.

As to the Spy, let me tell you that your favourable opinion of it gratifies me very highly, for I know your judgment and your candour; but let me, also, tell you, that after you had listened to the voice of your friendship, and gratified me, too, with the sound of it, I looked that you should have put off everything like partiality, assumed the rigid critic and censor of the world, and have told me the faults of those compositions. I know that some speculative moralists have said and written that a man cannot bear to hear his faults told, even by his friend. It is said, too, that authors are particularly ticklish about the offspring of their brain. This may be true: but I am sure that I could hear my faults from you, and mend upon it. Some of

the faults of the Spy I know and was conscious of when they were sent to the press; such as the redundance of words, and the comparatively small bulk of the matter. Next to the exuberance of verbiage and the want of matter, is the levity, desultoriness, and sometimes *commonness* of the thoughts which are expressed. Upon the whole, the work is too tumid and too light; yet these, perhaps, are the very properties which gave it the degree of admiration which it excited; for the essay on the liberty of the press, the work of Hortensius, which came out at the same time in the same paper, had not, as far as I have learned, one half of its popularity.

I have a notion, *entre nous*, of making another experiment of the public taste, this summer; for I shall be driven from this place, for a summer or two, by the yellow fever, and I had better be doing anything than to be idle. I shall sometimes get tired of reading, and composition will then diversify my employments very agreeably. What say you? My friend Tazewell, here, does not approve of such engagements. He says that it gives a man a light and idle appearance, in the eye of the world, and might, therefore, injure me in my profession. If you concur in this opinion, I shall renounce the project; otherwise, I shall incline to make another exhibition,—but of what nature I have not yet determined. Certainly I shall write no more Spies; "too much pudding," &c.

I have been reading Johnson's Lives of poets and famous men till I have contracted an itch for biography; do not be astonished, therefore, if you see me come out with a very *material* and splendid life of some *departed* Virginian worthy,—for I meddle no more with *the living*. Virginia has lost some great men, whose names ought not to perish. If I were a Plutarch, I would collect their lives for the honour of the State and the advantage of posterity.

George Tucker, of Richmond, wrote the Enquirer.* I concur with you in the opinion that he has the advantage of the Spy. He had a more intimate acquaintance with the subject; his style is more chaste and equal, and his compositions have much more of the philosopher and author.

Let me tell you that the Spy never read a page in Buffon in his life, nor knew any more of his theory than what he one day heard Charles Meriwether mention, in a very short conversation. Of the Abbé Raynal's West Indies, he once read a few pages, as he rode from Albemarle to Orange court. This was all the acquired information that he had on the subject,—so that the match was very unequal.

The speculation in the second letter was a mere crude adventure, leading to some singular and whimsical consequences, and it was

* Some articles, under this signature, were published in the papers, at Richmond, during the publication of the Spy. They were designed to controvert some of the geological arguments presented in that work.

thought likely, therefore, to please by its novelty; but the calculation was a false one,—for, unphilosophical as it was, it was too philosophical for newspaper-readers. It was, therefore, no favourite, and rather sunk the character of the Spy than raised it.

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The Spy did write, as you were informed, the pieces signed Martinus Scriblerus; they were partly in imitation of Pope and Co.'s criticisms imputed to their hero of the same name. The originals, of which you say you would demand the sight, were sent to the press; nor is there any vestige of them, either printed or written, in possession of the Spy. 'Tis no matter: they answered their purpose of amusing for the moment, and now let them rest in peace.

* * * * * *

I hear very often, that you are growing fast in your profession. How would it glad my heart to live till you touch the acme of forensic glory, to touch it with you too, and, as Peachy would add, hang with you there, like two thieves under a gallows. How is that vagabond P. coming forward? Does he erect his chest in the front bar? Does he spout and thunder like the cataract of Niagara, or does he roar them, "an it were any sucking dove?" If he does not do all these things by turns, I disinherit and anathematise him from the crown of his head to the sole of his foot. I owe the rascal a letter or two, and I will pay him shortly, making up in quantity what I want in number and quality. In the mean time, give my love to him.

Heaven bless and preserve you!

Your friend,

WM. WIRT.

CHAPTER X.

1804—5.

SUCCESS AT NORFOLK.—PROJECT OF A BIOGRAPHICAL WORK.—PATRICK HENRY.—ST. GEORGE TUCKER.—LETTER TO THIS GENTLEMAN.—THE RAINBOW.—LETTER TO EDWARDS.

FROM the date of his establishment in Norfolk, in the winter of 1803–4, we may compute Wirt's rapid advance to eminence in his profession. He was here brought into a new sphere of legal study. The commercial and maritime law, to which he was in a great degree a stranger, now became the familiar subjects of his attention. As we

have seen in the letters written at this period, he was totally unused to the topics, manners, wants and concerns which predominate in the society, and especially in the business circles, of an active trading seaport. To master the first difficulties of such a position, and to win the reputation which his ambition coveted, exacted from him great labour and study. He had friends around him to cheer his hopes and stimulate his efforts to the task; but these friends were also the competitors of his forensic struggles, men of established renown, and justly reputed for brilliant talents as well as professional accomplishment; and it may be regarded as no doubtful praise of the new associate in this fraternity, to say that he speedily earned and sustained, in the public estimation, a fair and acknowledged title to a place on the same platform which they occupied.

Whatever may be said to the disadvantage of the law as a profession; notwithstanding all that is truly and untruly imputed to it, in the way of derogation, by popular satire and by vulgar jest, it is characterized by one condition, in which it has the advantage of nearly all other business pursuits; that eminence in it is always a test of talent and acquirement. Whilst, in other professions, quackery and imposition may often succeed to elevate the professor in popular esteem, the lawyer gains no foothold at the bar, nor with the public, which he has not fairly won. A grave and austere bench is a perilous foe to the make-believe trickery of an unprepared or ignorant advocate; the surrounding bar, too, is not to be put off with sham seemings, contrived as a substitute for skill. The first is characteristically noted for its impatience under the inflictions of those who bring less learning than pretension to their task; and the last is quite as much signalized for the comic relish with which it hunts such game into its coverts. Forensic life is, in great part, life in the noonday, in presence of sharp-sighted observers and not the most indulgent of critics. It has always two sides, whereof one is a sentinel upon the other; and a blunder, a slip, or a slovenly neglect of the matter in hand, never escapes without its proper comment. Dulness is sure to be stamped or patented with such sufficient publication, as to go ever unquestioned upon its settled and intrinsic demerit. The line between good fellowship and professional standing is so broadly drawn, that one never interferes with the other. The best social quality in the world affords no help

to the lack of skill before court or jury. Each stands on its own foundation, detached and independent; so that a man may be the worst pleader and advocate, and the most beloved of social friends at the bar, winning all private esteem, but finding no cover or concealment for his professional raggedness. The public opinion of the merits of a lawyer, is but the winnowed and sifted judgment which reaches the world through the bar, and is, therefore, made up after severe ordeal and upon standard proof.

The success of the British Spy, which had now reached perhaps a third or fourth edition, and the reputation which it brought the author, were too flattering to allow him to abandon the path of literature, even under all the provocations to do so which the engrossment of his profession supplied. No man ever wrote a successful book without contemplating another. The frequent echo of one's name as a popular author, and the agreeable fillip to personal vanity which is given by the notice of the press, magnifying into matter of public importance the conceits of one's brain and rendering his thoughts a commodity in the market—these things are not unrelished or forgotten by the modest craft,—but straightway set the wits again at work to redouble the echo and its accompaniments. In the letters of the Spy, the sketches of personal character connected with the notice of distinguished living persons, had formed one of the most popular attractions of the book, and the author was said to have been very happy in these delineations. Whilst many admired the portraits, others, as we have seen, were offended by them; and in the collision of opinion between these two classes of readers, it was very evident that the popularity of the book was much promoted. His success in these sketches, most probably, turned his thoughts towards a plan which he now meditated of writing the history of the eminent men of Virginia. Many of those, most distinguished amongst the soldiers and civilians of the Revolution, were as yet unchronicled upon any page adapted to preserve the distinct record of their deeds. The time seemed to be favourable to the performance of this duty. To say nothing of Washington,—whose history, as more properly belonging to the nation, was perhaps not included in this scheme,—Patrick Henry, Edmund Pendleton, Richard Henry Lee, and many others, whose names have shed lustre upon the State, were, at this date, numbered with the

dead; but the incidents of their lives were fresh in the public memory, and capable of being authenticated by sure testimony. An equitable public judgment, undisturbed by the prejudices which surround living men, might be expected to await the perusal of their biographies and to do justice to their fame. Neither too soon for this judgment, nor too late to collect the veritable materials for the work, this was the proper time to essay the task of a faithful portraiture. It belonged to this generation; and Wirt supposed he might assume the performance of this duty, with some certainty of its favourable acceptance by the public, as the offering of one who had already established his title to their good opinion by what he had written. It would have been both a grateful and a graceful tribute from an adopted son of the State, who had been honoured by so many proofs of the cordial esteem and substantial friendship of the community in which he lived.

In the partial accomplishment of his purpose he directed his first attention to Patrick Henry. It is to this endeavour we owe the publication of the biography which we shall hereafter have occasion to notice. The fulfilment of the entire original design was interrupted by the engagements of professional life, and the biography of Henry is, consequently, all that was achieved of a scheme which embraced a wide field of various and useful research.

Amongst the most cherished of Wirt's associates, at this time, was St. George Tucker, then the President Judge of the Court of Appeals of Virginia. This gentleman, whose fame is most honourably associated with the national jurisprudence, had held the post of Professor of Law, at William and Mary, where Wirt, during his residence at Williamsburg, with other members of the bar, was an occasional attendant upon his lectures. The Judge was distinguished for his scholastic acquirements, his taste and wit, and was greatly endeared to the society of his friends by a warm-hearted, impulsive nature, which gave a peculiar strength to his attachments. Though some ten years the senior of Wirt, the intercourse between them was that of the most familiar friendship, and was enlivened by a frequent interchange of those sallies of humour and good fellowship which belong to the intimacies of men of equal age and kindred tastes.*

* The Judge was a native of Bermuda. Having emigrated to Virginia in his youth, he completed his education at William and Mary College. He

The following letter illustrates this intimacy, whilst it touches upon the subject of the contemplated biographies. The allusion to "The Rainbow" requires an explanation.

In the year 1804, Wirt had associated with a few friends in a scheme to publish a series of familiar didactic essays, under the title of The Rainbow. This scheme was no farther carried into effect than the publication of ten numbers in the Richmond Enquirer, between August and October of that year, when it was abandoned These essays were subsequently collected into a thin octavo, and, in that guise, seem to have fallen into oblivion. So far as Wirt participated in them, they appear to have been rather the practisings of an artist pursuing his studies, than a work he would choose to acknowledge as the product of his mature labour.

TO JUDGE TUCKER.

NORFOLK, January 31, 1805.

DEAR SIR:

I have never, until now, had it in my power to acknowledge your favour of the 23d instant. It is full to the purpose of my request, and I thank you for it most sincerely and cordially.

As you seem to think there are reasons why it should not be shown, I promise you that it shall not; yet you "kiss the rod" with so much humility and devotion, that I cannot think their high mightinesses themselves would be otherwise than gratified by its perusal.

I am somewhat relieved by your inquiry, whether I received the letter and packet by Mrs. Bannister; for, be it known to you, in two or three days after I did receive that communication, I had read all the pamphlets but one; and while my mind was yet warm with the gratification which I had derived from them, I sat down and wrote you a very long letter, and a very free one,—so very free, that from my hearing no more from you, in reply to one or two little requests which it contained, I was afraid that I might have been too unceremonious with you. I was hesitating whether I should not sit down and deprecate your wrath; but as offences proceed only from the heart, and as none, I was very sure, had proceeded from mine, I

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entered the Judiciary of the State as a Judge of the General Court, and was promoted to the Court of Appeals, of which he became the President. Resigning this post in 1811, he was soon afterwards brought into the Federal Judiciary, as a Judge of the United States District Court in Eastern Virginia, which appointment he held until his death.

thought it syllogistically demonstrable that no offence had been given. And yet that you should not, in so long a time, say one syllable in reply to a proposition connected with literature, was so irreconcilable with your politeness, your goodness, and your passion for letters, that I began to suspect I had satisfied myself with a sophism instead of a demonstration on the subject of offences; and, though my syllogism might prove that no offence had been given, yet it did not prove that none had been taken; and so "note the difference,"—for what is taken, is not always given, or else Hounslow heath and the Louvre would be less distinguished than they are. Yet, taking offence is so different a thing from taking a purse, or a Venus de Medicis, the prize and the gratification so infinitely inferior, that I cannot believe there is much illustration, conviction or wit in the parallel, and so—adieu to it.

But to my letter. It contained a very grateful and sincere acknowledgment for your interesting present by Mrs. B——; a declaration of the pleasure and information which I had derived from the perusal of the pamphlets, particularly that in relation to Louisiana, an expression of my surprise that the public should discover such a gusto for the froth, and frippery, and harlotry of some compositions, while they neglected the clear and masculine views which you invariably give of your subjects.

* * * * * * *

My letter proceeded to condemn the modesty with which you had spoken of Williamsburg, in one of your letters to that sinner Morse, and insisted that much more might have been said, and truly said, of the natural and adventitious beauties of the scene, the science, elegance, harmony and affection of the society. It went on to congratulate you and Judge Nelson, (and there was a spice of envy in the congratulation,) on the Arcadian times which you were enjoying, and to express my suspicion that, between two such ardent and importunate wooers, their ladyships, the muses, had very little time for sleep.

It referred to an anecdote which I heard Judge Nelson tell of Patrick Henry's fondness for Livy, and begged the favour of you to prevail for me, with his honour, to give me that anecdote *circumstantially* and *critically*.

It begged another favour of you; and that was, as you had frequently heard P. H., I had no doubt, in conversation and debate, judicial and political, to do me the kindness, at some moment of perfect ease and leisure, to sketch, as minutely as you could, even to the colour of his eyes, a portrait of his person, attitudes, gestures, manners; a description of his voice, its tone, energy, and modulations; his delivery, whether slow, grave and solemn, or rapid, sprightly and animated; his pronunciation, whether studiously plain, homely, and sometimes vulgar, or accurate, courtly and ornate,—with an analysis

of his mind, the variety, order and predominance of its powers; his information as a lawyer, a politician, a scholar; the peculiar character of his eloquence, &c., &c.; for I never saw him. These minutiæ, which constitute the most interesting part of biography, are not to be learnt from any archives or records, or any other source than the minute and accurate details of a very uncommon observer.

In the same letter, I took the liberty of attempting to revive and enforce your half-dormant resolution of furnishing an essay for "The Rainbow," on the subject of Biography; and of combating your idea of declining that essay because I had turned *my* thoughts towards biography. For, if the objects of your essay would be to show the importance and utility of biographical publications, and to point out the duties of the biographer, it would be so far from hostile that it would be auxiliary to my scheme; as it would give the public a preparatory relish for that kind of writing, and instruct me how to serve up the feast to the best advantage. If, instead of being didactic, the essay was intended to be, itself, a biographical sketch, yet the limits prescribed for an essay would merely enable you to excite, without sating the public curiosity, and would therefore be a good preparation for a more expanded narrative. If, again, you proposed to pursue this subject through a series of essays, so as to constitute, in the whole, the expanded narrative of which I speak, then the great objects at which I aimed (those of preserving the memory of our illustrious men, and of perpetuating to Virginia the honour of having given them birth,) would be completely gained by those essays. I wish, indeed, that you would take this task off of my hands. I fear much that it will be out of my power to perform it. I find so much writing to do in my professsion, so much interruption from clients who ask counsel that sometimes forces me on a close and unremitting investigation for several days, so much preparation for argument, &c., &c., that I have scarcely time to exchange a word with my family day or night.

It must, at all events, be a considerable time before I could accomplish the work as I would; whereas you have all the long intervals between the sessions at your command; could do the business at your ease; could make an amusement of it to yourself; and from your personal acquaintance with the heroes of the work, as well as from other causes which are too obvious to particularize, could render it infinitely more valuable and interesting to the public, than all the leisure in the world would enable me to do.

I wish you would think seriously of this proposal. I am trying to collect materials for this work, which I will most gladly communicate when I receive them. Nay, more; if you think proper, your name shall be kept out of the public view, and they may name me, without contradiction, as the author (for there are too many persons who have, by some means or other, got wind of my project, to suppose that it

may not, at first, be imputed to me.) And when their applauses become loud, general and confirmed, I will make a public disclaimer. If, by any fatality, they should not applaud, I hereby promise you that I never will disclaim. There is not much heroism in the offer,—for I know, with almost absolute certainty, that the result would be propitious. If it should, or should not, you will at least have an opportunity of seeing and hearing a fair estimate of your pen, free from the weight which it would derive from the name of the Honourable St. George Tucker, one of the Judges of the Supreme Court of Appeals of Virginia.

I hope there is nothing improper in the proposal of this experiment. On my part it is, in a very great measure, the creature of curiosity. You say your works have been still-born; no solution of this can be found in the works themselves, and I wish much to see if there be any fatality attached to names. If the proposal be, in any point of view, improper, I beg you to excuse it, and to be assured that there is nothing in the motives of the proposal which should excite your displeasure.

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Yours, most *obsequiously*,

WM. WIRT.

The next is to Benjamin Edwards, then a resident of Kentucky. We have already seen the kindly interest which this excellent gentleman manifested in the early fortunes of the subject of this memoir, in taking him to his own house in Maryland, and in the parental solicitude with which he protected and guided the youthful student, at a period when such friendly offices were above all price.

Seventeen years had elapsed since that day. But it will be seen from this letter, that the time gone by had not blunted the edge of the student's gratitude, nor dimmed his ardent affection towards his worthy patron. Mr. Edwards had, during the interval between the date of this correspondence and the departure of his protegé from beneath his roof, removed with his family to Kentucky, and was now a prosperous landholder in that state, surrounded by a thriving family, and happy in the contemplation of the present and prospective good fortune which enlivened the evening of his life.

The interest which Mr. Edwards took in the career of his friend, and the affection with which it was reciprocated, were shown in a frequent correspondence between them, ever since the period of their separation. The following letter was called forth by the disappoint-

ment which Mr. Edwards had recently expressed, upon the change of purpose in regard to Wirt's scheme of migration to Kentucky. It has reference to some matters of personal history, which may be acceptable to the reader: and it dwells with an honest warmth of grateful recollection, upon the topics of family endearment, the household associations, the incidents and characteristics which made Mount Pleasant a precious picture on the memory of the writer. We shall not fail to remark, in the perusal of this letter, how agreeably it impresses us with the benignity of the good man to whom it is addressed, the simplicity of his life, and the patriarchal character of his relation to those around him; and how much there is in the writer of filial duty and reverence.

TO BENJAMIN EDWARDS.

NORFOLK, March 17, 1805.

I cannot describe to you, my dear Mr. Edwards, the sensations with which I have just read your most welcome and obliging letter of the 17th ult., from Shiloh. I need not be ashamed to tell you that my tears bore witness to the sincerity and force of my feelings. You have taught me to love you like a parent. Well, indeed, may I do so; since to you, to the influence of your conversation, your precepts, and your example in the most critical and decisive period of my life, I owe whatever of useful or good there may be in the bias of my mind and character. Continue then, I implore you, to think of me as a son, and teach your children to regard me as a brother: they shall find me one, indeed, if the wonder-working dispensations of Providence should ever place them in want of a brother's arm, or mind, or bosom.

You could not more strongly have expected my wife and me to partake of your Christmas turkey in 1803, than we ourselves expected it when I wrote you last. I was sensible that I owed you and my friend Ninian an apology, or rather an explanation, of the abrupt change of my plan in relation to Kentucky, and this explanation would have been certainly made at the proper time, but for a point of delicacy arising from the nature of the explanation itself. But now that the project is over, and with you, I fear, forever, I may explain to you without reserve.

The first obstacle which I had to encounter arose from the difficulty of compassing so much cash as would enable me to make my debut sufficiently respectable. To have disclosed this obstacle either to you or Ninian, after the strong desire which I had manifested to migrate

to your state, might have been liable to an interpretation, which, either from true or false pride, I chose to avoid. As I could not state to you this primary obstacle, I thought it would be disingenuous to amuse you with an account of merely subordinate ones; but now you shall know the whole truth. My wife, who was thoroughly convinced of the propriety of our removal to Kentucky, had consented to it, from the dictates of reason and judgment, whilst her heart and affections secretly revolted against the measure. Most dutifully and delicately, however, she concealed her repugnance from me, and I should never have known it, but for an accident. Waking one night, at midnight, while this journey was contemplated, I found her in tears; and, after much importunity, drew from her an acknowledgment that her distress proceeded from the idea of such a distant, and most probably final, separation from her parents and family.

I will not affect to deny that I believe this discovery and the manner of it, would have been decisive with me against the removal, even if the first objection had not existed. Fortune and fame are, indeed, considerations of great weight with me; but they are light, compared with the happiness of the best of wives. About the time of this discovery, and while the current of my own inclinations had been thus checked and brought to an eddy, a young gentleman (a son of the late Judge Tazewell) who was at the head of the practice in this part of the state, very generously and disinterestedly waited on me at Williamsburg, opposed my removal by every argument that friendship or ingenuity could suggest, offered to recede, in my favour, from several of his most productive courts, painted the progressive prosperity of Norfolk in colours so strong and alluring, and exhibited such irresistible evidence of the present profits of the practice in this borough and district, that my mind was left in equipoise between Kentucky and Norfolk.

At this critical juncture came a letter from you, in which you very amicably exhorted me against the indulgence of a too sanguine imagination in regard to Kentucky. You stated that the specie had almost disappeared from the state, owing to the occlusion of Orleans, by the Spanish Intendant against your deposites—an inconvenience whose duration it was impossible to calculate, and represented that the gentlemen of my profession, like the other inhabitants of the state, carried on their business by barter, receiving their fees in negroes, horses, &c. Under the joint action of all these obstacles, difficulties, considerations and motives of policy and expedience, I was led to the adoption of the resolution which brought me here. And so here I am, abreast with the van of the profession in this quarter, with the brightest hopes and prospects; duping the people by a most Jenkinsonian exterior, using "words of learned length and thundering sound," puffed by the newspapers as an orator, to which I have no pretensions, and honoured and applauded far beyond my deserts. It is only for the

humiliation with which I see and hear what is written and said in my praise, that I give myself any credit. I have formed in my own imagination a model of professional greatness which I am far, very far, below, but to which I will never cease to aspire. It is to this model that I compare myself, whenever the world applauds, and the comparison humbles me to the dust. If ever I should rise to this imaginary prototype, I shall rest in peace.—Herculean enterprise! But I must not despair, since it is only by aiming at perfection that a man can attain his highest practicable point.

If a fortune is to be made by the profession in this country, I believe I shall do it. It must require, however, fifteen or twenty years to effect this. Norfolk, as you guess, is very expensive. I keep, for instance, a pair of horses here, which cost me eight pounds per month. Wood is from four to eight dollars per cord; Indian meal, through the winter, nine shillings per bushel,—this summer it is supposed it will be fifteen; flour eleven and twelve dollars per barrel, a leg of mutton three dollars, butter three shillings per pound, eggs two shillings and three pence per dozen, and so on. Having set out, however, with the view of making a provision for my family, in the event of my being called away from them, I live as economically as I can, so as to avoid giving my wife any reason for regret at the recollection of her father's house and table. After this year, I hope it will be in my power to nett annually two thousand dollars, by the practice,—but I do not expect ever to do more than this. I shall be content to leave the bar whenever my capital will nett me an annual revenue of four thousand dollars, and not till then.

I am indeed sometimes very apprehensive that the yellow fever, which you mention, may cut this operation short, by removing me from this scene of things; or protract it, by driving me from my business into annual exile, as was the case last summer and fall. If I find this latter event likely to take place, I shall certainly use all my influence with my wife to reconcile her to Kentucky; for even now, I will not conceal it from you, propitious as is the face of my affairs, your letter makes me sigh at the thought of your state. It is not, however, the idea of being "a comet in a naked horizon," which I long to realize. I have seen too many luminaries, infinitely my superiors in magnitude and splendour, to believe myself a comet; nor can I believe *that* horizon naked which is adorned and lighted up with a Breckenridge, a Brown, a Maury and N. Edwards. Besides, if I were ambitious, and it were true that this part of the hemisphere were gilded with the brightest stars, I should, for that reason, choose this part. A glow-worm would be distinguished amid total darkness; but it requires a sun indeed to eclipse the starry firmament. No, sir. It is the Green River land which makes me sigh; the idea of being released from the toils of my profession by independence, in six or eight years, and of pursuing it afterwards at my ease, and only on great

occasions, and for great fees; of having it in my power to indulge myself in the cultivation of general science; of luxuriating in literary amusements, and seeking literary eminence. Those are the objects which I have been accustomed to look to, as the most desirable companions in the meridian of life; and six or eight years more would just bring me to that age at which Parson Hunt and his son William used to predict, in moments of displeasure and reproof, that I should begin to be a man,—viz., at forty. It is because your letter holds out probabilities like these, that I sigh. For I know that, by the practice of this country, independence by my profession is a great way off.

How much it would delight me to live once more within eye and earshot of you! To be able to talk over with you the affairs of Mount Pleasant, and of my youth; to hear your raillery and your laugh; these are things that I could think of until I should be quite unmanned:—but enough. My wife has given me two children in little more than two years. We were married on the 7th September, 1802, and on the 3d September, 1803, she gave me a daughter, now a lovely child, going on nineteen months old, and with the romantic name of Laura Henrietta, the first the favourite of Petrarch, the last the christian name of my mother. On the 31st day of last January she gave me a son, who is certainly a *very* handsome child, and, if there be any truth in physiognomy, a fellow whose native sheet of intellectual paper is of as fine a texture and as lustrous a white as the fond heart even of a parent can desire. My fancy is already beginning to build for him some of those airy tenements, in the erection of which my youth has been wasted. My wife wants to call this boy Robert Gamble; and as this is a matter altogether within the lady's department, I shall give way. She was just twenty-one the 30th day of last January, and I was thirty-two the 8th day of last November; so I hope we may reach my wished-for number of twelve, and be almost as patriarchal, by and by, as yourself.

How much you gratify me by the circumstantial description of your children—their prosperity now, and their hopeful prospects! May all your wishes in regard to them be fulfilled! I hope and pray so, from my inmost soul! I have a kind of dim presage that I shall yet be in Kentucky, time enough for your Benjamin Franklin, if not for Cyrus. Heaven send I may ever have it in my power to be of any use to either of your children! Pray remember me to them all, with the regard of a brother, and present me to Mrs. Edwards, with the respect and dutiful affection of a son. Shall I ever see you again, in the midst of them on your farm, disengaged from all care, and happy as you deserve to be? You cannot think with what tenderness my memory dwells on Mount Pleasant and the neighbourhood. I remember, indeed, very many follies to blush at and be ashamed of, yet still it is one of those "sunny spots" in the course of my life, in which

recollection dearly loves to bask. Let me be free with you, for you used to make me so. To this day, the image of B. S—— is as fresh in my mind as if she had just left Mount Pleasant, on Sunday evening, on the bay mare, and my eyes had followed her through the gate, and as far around as she was visible, on her way home. And the investigation which you once made of the difference between K——'s passion for her and mine, is just as vivid as if it had passed on yesterday. By-the-bye, you have not said a word of my friend K——, and as I take a very strong interest in his welfare, let me hear of him when you write next.

I thank you very much for your mention of several of my old acquaintances. Among them all, Jack Wallace (if he is the son of James) is my favourite. Nature, indeed, had not taken much pains in the cast of his genius, but she gave him one of the sweetest tempers, and one of the finest and noblest hearts that ever warmed a human breast.

Major W——, I presume, is my schoolmate, William, who used to live at Montgomery court-house. When we were at school together, about the year 1785, he was thought one of the world's wonders, or rather, a new wonder, in point of genius. Where is the hopeful promise of his youth? Smothered under the leaden atmosphere of indolence? Or has it faded, like the first flower of the spring, to bud and bloom no more?

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Of Q. M—— I only remember that he was a large-faced, well-grown boy, who learnt the Latin grammar until he came to *penna-a-pen*, where he stuck fast, and his father took him away in despair. But it is possible that I may be mistaken, and am confounding him with some other boy. One other thing I am sure of, that he had a very pretty sister, whose name was L——, with whom I was very much in love one whole night, at an exhibition ball, in the neighbourhood of Parson Hunt's. E. M——, I do not remember at all. I could not have been acquainted with him, nor, I think, with M. L——. I well remember the family of the latter, who lived on a hill, near a mill-pond of Samuel W. Magruder's. There were five or six of us, of the family of Magruder, who, after bathing of a Sunday in the pond, used to go up and see a sister of Matthew's, whose name was Betsey (a name always fatal to me). I was then about twelve years old, and I remember that for one whole summer, that girl disturbed my peace considerably. The sex, I believe, never had an earlier or more fervent votary; but it was all light work till I came to B. S——. To this moment I think kindly of her, even in the grave.

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I have used already a good deal of egotism in this letter: but it is unavoidable in letters between friends; and it certainly is not *desirable* to avoid it between friends so far sundered as we are, who are obliged

to resort to letters as a substitute for conversation. For my own part, I sat down with a determination to write just as I would talk with you, in order that I might approach as near as possible to the enjoyment of your company; and, as I should certainly have talked a great deal of levity and nonsense, so have I written, and so I shall still write, although I know that I am taxing you with a heavy postage.

But to myself again. I find you have read the British Spy, and, from your allusion to it, I presume you have understood me to be the author. It is true. I wrote those letters to while away six anxious weeks which preceded the birth of my daughter. In one respect they were imprudent. They inflicted wounds which I did not intend.

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In the esteem of a penetrating and learned man, the British Spy would injure me, because it would lead him to believe my mind light and superficial; but its effect on the body of the people here (on whom I depend for my fortune) has, I believe, been very advantageous. It was bought up with great avidity; a second edition called for and bought up; and the editor, when I saw him last, talked of striking a third edition. It has been the means of making me extensively known, and known to my advantage, except, perhaps, with such men as Jefferson and Jay, whose just minds readily ascertain the difference between bullion and chaff.

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The title of this fiction was adopted for concealment, that thereby I might have an opportunity of hearing myself criticised without restraint. But I was surprised to find myself known after the third letter appeared. Having once adopted the character of an Englishman, it was necessary to support that character throughout, by expressing only British sentiments; yet, there were some men weak enough, in this state, to suspect, from this single cause, that I had apostatized from the republican faith. The suspicion, however, is now pretty well over.

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I am your friend, and

Your son by election,

Wm. Wirt.

CHAPTER XI.

1805—1806.

INCREASING REPUTATION.—DISLIKE OF CRIMINAL TRIALS.—MEDITATES A RETURN TO RICHMOND.—AN OLD-FASHIONED WEDDING AT WILLIAMSBURG.—LETTERS.—A DISTASTE FOR POLITICAL LIFE.

Mr. Wirt continued to reside in Norfolk until July, 1806. His life here was one of close application to business, and his professional career was characterised by its rapid and steady progress upward towards the attainment of reputation, influence, and independence. He practised largely through the district, extending his attendance upon the courts as far as Williamsburg, and into the counties adjacent to Norfolk. He was already accounted one of the most eloquent advocates in the state, and was growing fast to be considered one of the ablest of her lawyers. His renown as an advocate brought him into almost every criminal trial of note within the circuit of his practice, and overburdened him with a species of business sufficiently disgusting in its best phase, but which, in its varied demands upon a man in whom the mere pride of eloquent speech has not deadened the sensibility of his heart to what is good and bad, cannot but grow to be inexpressibly irksome and offensive.

"I am becoming ill at ease," he writes to Mrs. Wirt, from Williamsburg, during this period, "at this long absence from you and my children. * * I look to you as a refuge from care and toil. It is this anticipation only which enables me to sustain the pressure of employments so uncongenial with my spirit: this indiscriminate defence of right and wrong—this zealous advocation of causes at which my soul revolts—this playing of the nurse to villains, and occupying myself continually in cleansing them—it is sickening, even to death. But the time will come when I hope it will be unnecessary."

He began to long for the privilege of an exclusive devotion of his time to that higher range of practice which, dealing with the more complicated affairs of society, gives occasion for the employment of the subtlest powers of intellect, in the study and development of the great principles of right. In this sphere of forensic life, as distinguished from that which is properly assigned to the advocate, is only to be achieved that best renown which has followed the names of the greatest lawyers. It exacts not only the cultivation of the highest order of eloquence, but the study also of the noblest topics of human research, in the nice questions of jurisprudence and ethics, and finds its most powerful auxiliaries in the learning that belongs to the history and philosophy of man. Popular advocacy, on the other hand, whilst it allures its votary into a path made vocal with the applause of the multitude, seduces his mind from its love of truth, teaches him to disparage the wealth of the best learning, and to account the triumph won in the open amphitheatre in the presence of the crowd, as more precious than all the gems which are turned up in the silent delvings of the student patiently toiling with no companion but his lamp.

In the hope of soon obtaining that position at the bar which should enable him to realize these longings of his heart, Wirt laboured, with cheerful submission to the present necessity which compelled him to obey whatever call his profession made upon him. He looked anxiously for the day of his return to Richmond, resolved that that period should not be long postponed. The usual unhealthiness of Norfolk during the autumn, which was occasionally aggravated by the appearance of the yellow fever, forced him to remove his family during the warm season, to Richmond, or still further towards the mountains, whilst he himself was obliged to remain in the borough, or make his circuits into the neighbouring counties. These separations from his household disquieted him. Passionately attached to his wife and children, it was ever the engrossing subject of his thoughts to push his professional success to the point which would allow him to remain at home, — and that home, as he hoped, in Richmond.

"I amuse myself," he says in the same letter I have last quoted, "in planning fairy visions of futurity I imagine that we have laid

by money enough to build a house in Richmond—that we are living there, and I practising in the Superior Courts, in the van of the profession, making my——a year without once leaving the town."

May 10th, 1805, he writes to Mrs. W.,—"We will go to Richmond to live as soon as prudence will permit. But Norfolk is the ladder by which we are to climb the hills of Richmond advantageously.—Norfolk is the cradle of our fortune."

Whilst turning over many letters written during this year to Mrs. Wirt, from which I make but meagre extracts—the following passage occurs, which speaks an earnest and most characteristic aspiration of the writer.

* * * * * "I have been interrupted by Judge Prentiss, who came into my room to look at the miniature of Patrick Henry, which has been sent to me by Judge Winston, and to read a very interesting narrative of P. H., by the same gentleman. Mr. Winston's is a hundred times better told than either —— or ——'s. The project pleases me more and more, and I hope to be enabled to immortalize the memory of Henry and to do no discredit to my own fame. The idea has been always very dismal to me, of dropping into the grave like a stone into the water, and letting the waves of Time close over me, so as to leave no trace of the spot on which I fall. For this reason, at a very early period of my youth, I resolved to profit by the words of Sallust, who advises, that if a man wishes his memory to live forever on the earth, he must either *write* something worthy of being always read, or *do* something worthy of being written and immortalized by history. Perhaps it is no small degree of vanity to think myself capable of either;—but I have been always taught to consider the passion for fame as not only innocent, but laudable and even noble. I mean that kind of fame which follows virtuous and useful actions."

In the same correspondence I find a letter from which I take a description of a wedding at Williamsburg, in April, 1806. It is worth preserving as a sketch of manners and customs in the Old Dominion at that date:

* * * "I went last night to Miss P——'s wedding. The crowd was great, the room warm, the spirit of dancing was upon them, and the area so small that a man could not lift

a foot without the hazard of setting it down upon a neighbour's. But then, by way of balancing the account, there was a group of very gay and pretty girls. Miss P. herself, never looked so lovely before. She was dressed perfectly plain, wore her own hair, without wreath, laurel or other ornament. She had not a flower nor an atom of gold or silver about her: there was a neat pair of pearl pendants in her ears, but without any stone or metallic setting. Her dress a pure white muslin:—but she danced at least a hundred reels, and the roses in her cheeks were blown to their fullest bloom. You know she is a very pretty girl; but Sally C., who was also there, seemed to bear off the bell."

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——"But to the wedding. I went with the intention of seeing my friends, merely peeping into the supper-room, and coming home in an hour or two at farthest. But I got there about eight o'clock, and the dancing-room was so thronged as to be impenetrable without an exertion of strength which would have been very inconvenient to me in so warm a room, and much more inconvenient to those whom I might overset in my career. So, I watched the accidental opening of avenues, and it was an hour and a half, at least, before I had kissed the bride—which, by-the-bye, I did under the pretence of delivering a message from you—and made the bows which were due from me. The enquiries after you and your children were many and apparently affectionate.

"It was past eleven when the *sanctum sanctorum* of the supper-room was thrown open—although I don't know but that the designation of the *sanctum* would be better applied to another apartment in the house—and it was near twelve when it came to my turn to see the show. And a very superb one it was, I assure you. The tree in the centre cake was more simply elegant than any thing of the kind I remember to have seen. It was near four feet high: the cake itself, the pedestal, had a rich—very rich—fringe of white paper surrounding it: the leaves, baskets, garlands, &c., &c., were all very naturally done in white paper, not touched with the pencil, and the baskets were rarely ornamented with silver spangles. At the ends of the tables were two lofty pyramids of jellies, syllabubs, ice-creams, &c.—*the which* pyramids were connected with the tree in the centre

cake by pure white paper chains, very prettily cut, hanging in light and delicate festoons, and ornamented with paper bow-knots. Between the centre cake and each pyramid was another large cake *made for use:* then there was a profusion of meats, cheese-cakes, fruits, etc., etc.

"But there were two unnatural things at table;—a small silver globe on each side of the tree, which might have *passed*—if Charlotte, to enhance their value, had not told us that they were a fruit—whose name I don't recollect—between the size of a shaddock and an orange, covered with silver leaf;—which was rather too outlandish for my palate. All the grandees of the place were there——."

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The particularity and quaintness of this description of a wedding supper of more than forty years ago, in low Virginia, has a smack in it which may remind one of Froissart, or some enraptured chronicler of a banquet scene of those days when "ancientry and state" were held in more reverence than the present. The great centre cake and its white paper tree four feet high, and the paper chains hanging in delicate festoons from the topmost boughs, all the way over the table to the apexes of the pyramids of jellies, and the two large cakes below, "*for use,*" and the silver globes—a pleasant picture this of home manufactured grandeur of the old time, when a blooming bride danced "a hundred reels" on the wedding night, giving fresh brilliancy to the roses of her cheek! "Old times are changed, old manners gone,"—and Williamsburg, doubtless, has dismissed the great paper tree and the sweet mould in which it grew, for modern fopperies. We may thank the young lawyer who has so happily preserved these images.

We come now to another letter to the good friend of his youth.

TO BENJAMIN EDWARDS.

NORFOLK, May 6, 1806

MY DEAR SIR:

* * * * * * *

You see I have not gotten rid of my levities, and most certainly I never shall while I live; they make an essential part of my constitution. I catch myself, sometimes, singing and dancing about the

house like a madman, to the very great amusement of my wife and children, and probably of the passengers who are accidentally going along the street. This is very little like the wise conduct which Shakspeare makes Henry IV. recommend to his son: but the hare-brained find some consolation in the figure which Henry V. made in spite of his father's maxims of gravity. Yet I hope you will not believe that I either sing or dance in the street or in the court-house. I know the indispensable importance of a little state, to draw the magic circle of respect around one's self and repel intrusion and vulgarity.

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To be sure, in a letter, it is not so material if a man cuts an eccentric caper here and there; but I feel the same propensity when I am arguing a cause before a court and jury; although I see the track plainly before me, yet, like an ill-disciplined race-horse, I am perpetually bolting or flying the way, and this, too, perhaps in the very crisis of the argument. After having laid my premises to advantage, often having gone through an elaborate deduction of principles, in the very instant when I am about to reap the fruit of my toil, by drawing my conclusion, and when everybody is on tiptoe expectation of it, some meteor springs up before me, and, in spite of me, I am off, like Commodore Trunnion's hunter, when the pack of hounds crossed him so unpropitiously, just as he was arriving at church to seize the hand of his anxious and expecting bride. I was in conversation the other day with a very intimate friend of mine on this subject, and was lamenting to him this laxity of intellect, which I was sure arose from the want of a well-directed education. He admitted that I had ascribed it to its proper cause, but doubted whether it ought to be lamented as a defect, suggesting that the man in whose imagination these meteors were always shooting, bid much fairer both for fame and fortune than the dry and rigid logician, however close and cogent. In reply, it was but necessary for me to appeal to examples before our eyes, to disprove his suggestion. One was Alexander Campbell, whose voice had all the softness and melody of the harp; whose mind was at once an orchard and a flower-garden, loaded with the best fruits, and smiling in all the many-coloured bloom of spring; whose delivery, action, style and manner were perfectly Ciceronian, and who, with all these advantages, died by his own hand. * * * *
On the other hand, here is John Marshall, whose mind seems to be little else than a mountain of barren and stupendous rocks, an inexhaustible quarry, from which he draws his materials and builds his fabrics, rude and Gothic, but of such strength that neither time nor force can beat them down; a fellow who would not turn off a single step from the right line of his argument, though a Paradise should rise to tempt him; who, it appears to me, if a flower were to spring in his mind, would strike it up with his spade as indignantly as a

farmer would a noxious plant from his meadow; yet who, all dry and rigid as he is, has acquired all the wealth, fame and honour that a man need to desire. There is no theorizing against facts: Marshall's certainly is the true road to solid and lasting reputation in courts of law. The habits of his mind are directly those which an accurate and familiar acquaintance with the mathematics generates.

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I feel so sensibly my own deficiencies in this mathematical study, that, if Heaven spares my son, and enables me to educate him, I will qualify him to be a professor in it, before he shall know what poetry and rhetoric are. If he turns out to have fancy and imagination, he will *then* be in less danger of being run away with and unhorsed by them. If he is for the bar, I shall never cease to inculcate Marshall's method, being perfectly persuaded that for courts, and especially superior and appellate courts, (where there are no juries,) it is the only true method. It is true, that if I had my choice, I would much rather have my son (as to mind) a Mirabeau than a Marshall,—if such a prodigy, as I have heard Mirabeau described by Mr. Jefferson, did ever really exist. For he spoke of him as uniting two distinct and perfect characters in himself, whenever he pleased;—the mere logician, with a mind apparently as sterile and desolate as the sands of Arabia, but reasoning at such times with an Herculean force, which nothing could resist; at other times, bursting out with a flood of eloquence more sublime than Milton ever imputed to the cherubim and seraphim, and bearing all before him. I can easily conceive that a man might have either of these characters in perfection, or some portion of each; but that the same mind should unite them both, and *each in perfection*, appears to me, considering the strong contrast in their essence and operation, to be indeed a prodigy. Yet I suppose it is true, "for Brutus is an honourable man."

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No, my dear friend, I shall certainly never become famous by burning a temple, or despising the religion of Christ. On these subjects, in the heat, vanity and ostentation of youth, I once thought and spoke, to my shame, too loosely. A series of rescues from the brink of ruin, to which, whenever left to myself, I madly rushed, convinced me that there was an invisible, benevolent power, who was taking an interest in my preservation. I hope that ingratitude is not one of my vices. The conviction which I have just mentioned, no sooner struck my heart, than it was filled with a sentiment which, I hope, will save me from the fate of a Voltaire and a Domitian.

The friendly hope which you express, that you will live to hear me toasted at every political dinner, for superior virtues and wisdom, is indeed very obliging, but very unfounded. You know how poor I have always been. The rocks and shoals of poverty and bankruptcy lie very near to the whirlpool of dishonour and infamy. Among these

rocks and shoals I have been tossing and beating ever since I entered upon the world. The whirlpool I have escaped, and, thank Heaven, feel myself now out of danger: but that horrible danger I shall never forget; nor shall I cease struggling till I place my children out of its reach. This cannot be done if I give myself up to politics. This latter might be the road to distinction, but not to independence, either for myself or my children. When I have placed my wife and children beyond the reach of this world's cold and reluctant charity, unfeeling insolence, or more insulting pity, then my country shall have all the little service which I am capable of rendering. But while I have opportunities of hearing, seeing and reading, and making comparisons between other men and myself, I cannot believe that the little all of my services will ever make me a political toast. Nor, indeed, do I envy that distinction to any man; for I remember how Miltiades, Aristides, Cicero, Demosthenes and many others were once idolized by their countrymen; and I remember the disastrous proof which their examples afforded of the fickleness of popular favour, and the danger of aspiring to political distinctions even by the exercise of virtues. Yet I would not shrink from their fate, if my country required the sacrifice at my hands. All I mean to say is, that I shall never enter on the political highway in quest of happiness. Thank Heaven! I have it at home;—a wife, in whose praise, if I were to indulge it, my pen would grow as wanton as Juba's tongue in praise of his Marcia; two cherub children; a revenue which puts us quite at ease in the article of living, and the respect and esteem of my acquaintances, and I may say of Virginia. A man who has blessings like these in possession, will not be very wise to jeopard them all by launching on the stormy Baltic of politics.

Ever your friend and servant,

WM. WIRT.

Wirt had now made up his mind to remove to Richmond. A scheme which had already taken such hold upon his fancy, required no vehement enforcement from the advice of friends. His distrust upon this question of removal, and the suspense it had encountered in his mind, seem to have been effectively banished by the accidental counsel of his friend Judge Tucker. From Williamsburg, whilst attending court there, April, 1806, he writes thus to his wife:

* * * * * *

"Williamsburg is just as hospitable and as beautiful as ever. * * * I told the Judge (Tucker) privately, that my friends were pressing me to *fix* myself in Richmond. He caught at it with his usual enthusiasm,—insisted I should adopt the plan,—swore that

I could not *live* another year in Norfolk,—declared that I had fattened at least forty pounds since he saw me in the winter, and that I was so fit a subject for the fever, he did n't know the man on whose life he would not sooner buy an annuity than on mine; said he was sure I should do well at the bar there, after a year or two; and that, even for the present, I might well support my family in Richmond and the neighbourhood. I am perfectly confounded by the arguments *pro* and *con.* I pray Heaven to assist me with its counsels. Think of this subject again, deliberately and free from bias, my dear B. You shall decide it as you please; and whatever may be the result, I shall always believe you advised for the best. * *

* * Do not yield too much to inclination in the aforesaid *pros* and *cons.* It is a measure which, if resolved on, will either ruin or make us happy; and, in the former event, it may end in Kentucky. I confess that when I bring the movement close to my mind, and imagine myself just about to commence it, I am swayed by doubts like those which agitate Hamlet, when he meditates self-destruction:—he was afraid of losing Heaven, I, of an earthly Paradise. May Heaven guide us!"

This point,—"whether it was better to bear the ills" he had, "or fly to others" that he knew not of,—gave him, however, pause of no great duration. The auspicious and better counsels of Mrs. Wirt prevailed. In a few months after this letter, he took a house in Richmond upon a lease of five years, and set himself to the business of his removal with all proper despatch.

CHAPTER XII.

1806.

REMOVES TO RICHMOND.—A PROFESSIONAL CASE OF CONSCIENCE.—DEFENCE OF SWINNEY.—CHANCELLOR WYTHE.—JUDGE CABELL.—LETTER TO MRS. W. ON SWINNEY'S CASE.—FONDNESS FOR MUSIC.—LETTER TO F. W. GILMER.—RECOLLECTIONS OF PEN PARK.

His dwelling-place is now once more in Richmond. His return to the bar there is signalized by a case of conscience, the proposing of which shows that he had now reached that point in his profession in which, no longer impelled by hard necessity, he might debate with himself a question of casuistry, upon the merits of taking employment in a criminal cause, wherein he had reason to believe the criminal unworthy of defence. This is a new era in his forensic life. It is an incident which does not always arrive in the career of even eminent lawyers. The point has often been a debated question. The better opinion of the bar seems generally to have settled it on the side of their own interest; much to the gratification of culprits, who, however steeped in iniquity, find no lack of energetic and skilful defence from the brightest, if not the best, lights of the profession. A trial is regarded as a species of tourney, in which the champions are expected to show their prowess — to use a phrase of the British Spy — in "forensic digladiation," as little concerned with the intrinsic right or wrong of the accusation, as the knights of the ancient tilting-yard were with the real merits of the beauty of their respective mistresses. The laws of chivalry placed the true knight in a category somewhat resembling that of Captain Absolute. "Zounds, sirrah, the lady shall be as ugly as I choose: she shall have a hump on each shoulder; she shall be as crooked as the crescent; her one eye shall roll like the bull's in Coxe's Museum; she shall have a skin like a mummy, and the beard of a Jew,—she shall be all this,—and you shall ogle

her all day and sit up all night to write sonnets on her beauty." The question of conscience ordinarily fares no better in the courts, in the customary tilting there in defence of suspected innocence.

The case which now exercised the mediation of Wirt was that of a man, by the name of Swinney, charged with the crime of poisoning the venerable Chancellor Wythe, who had just died in Richmond, under circumstances which led to a strong suspicion of the guilt of the accused. Chancellor Wythe was one of the best men the country ever produced. Distinguished for the simplicity of his character, his bland and amiable manners, his uprightness and steadfast devotion to duty, he was universally beloved in the society of Richmond.

I am indebted to a most estimable lady, the wife of Judge Cabell, of Richmond, the President of the Court of Appeals of Virginia,* to both of whom frequent reference will be found in these memoirs, for some recollections of the Chancellor which very agreeably confirm what has been often said of his gentle and philanthropic temper; and which will also afford melancholy testimony as to the foul deed which is supposed to have terminated his life.

This lady, in a letter to her sister, Mrs. Wirt, says:—"You and I may remember the trouble he gave himself to entertain the visiters of his young niece, Miss Nelson, who lived with him a few years. She and all of us were almost children, and few grown men would have found any interest in staying in the room where we were. But the good old gentleman brought forth his philosophical apparatus and amused us by exhibiting experiments, which we did not well comprehend, it is true, but he tried to make us do so, and we felt elevated by such attentions from so great a man.

* William H. Cabell, the gentleman here alluded to, now at the head of the Bench of Virginia, crowned with the richest honours of a ripe old age, and surrounded by an affectionate circle of friends, married Agnes, the eldest daughter of Col. Gamble, and sister of Mrs. Wirt. He represented Amherst county in the Legislature of Virginia from 1795 to 1805, except during three years of this interval. In 1805 he was elected Governor of the State, and at the expiration of three years was appointed to the Bench of the General Court. He was transferred, in 1811, to the Court of Appeals, of which he is at this time (1849) the President. The connection between him and Mr. Wirt, laid the foundation of an intimate friendship, which was increased with every succeeding year until death dissolved it. Many proofs of this may be found in the correspondence to which our narrative hereafter refers. In this intimacy, it will be seen also, that Joseph Cabell, the brother of the Judge, largely participated.

"To test the theory that there was no natural inferiority of intellect in the negro, compared with the white man, he had one of his own servant boys and one of his nephews both educated exactly alike. I believe, however, that neither of them did much credit to their teacher.

"The young men who studied law with him, or who were occupied in his service, were all devoted to him. Henry Clay was one of them. The Chancellor lived to a very old age. In his appearance he was thin, rather tall, but stooped from age and debility, as he walked to and from the Capitol to his own house. He generally lived alone, but in his latter years he had a nephew with him to whom he intended to bequeath his estate. This was Swinney. The common belief was that this man, being impatient for his uncle's money, poisoned him. He was tried for his life. Mr. Wirt was his lawyer, and he was acquitted. Yet there was but little doubt of his guilt in the minds of most persons. The cook said that he came into the kitchen and dropped something white into the coffee-pot, making some excuse to her for doing so. She and another servant partook of the coffee. I have heard that the latter died in consequence. The coffee-grounds being thrown out, some fowls ate of them and died. The unhappy old gentleman lived long enough after taking the coffee to alter his will, so that the suspected man got no portion of his estate at last. The coffee-grounds were examined, and arsenic was found in abundance mingled with them."

This little sketch presents the outlines of the case, as it was developed at the trial and in the investigations of the day.

Wirt's doubts, to which I have alluded, upon the propriety of engaging in the defence of Swinney, are told in the following letter written from Williamsburg, after he had engaged his house in Richmond, and in the moments of his removal thither.

TO MRS. WIRT.

WILLIAMSBURG, July 13, 1806.

* * * * * * *

"I have had an application made to me yesterday, which embarrasses me not a little, and I wish your advice upon it. I dare say you have heard me say that I hoped no one would undertake the de-

fence of Swinney, but that he would be left to the fate which he seemed so justly to merit. Judge Nelson, himself, has changed, a good deal, the course of my opinions on this subject, by stating that there was a difference in the opinion of the faculty in Richmond as to the cause of Mr. Wythe's death, and that the eminent McClurg, amongst others, had pronounced that his death was caused simply by bile and not by poison. I had concluded that his innocence was possible, and, therefore, that it would not be so horrible a thing to defend him as, at first, I had thought it. But I had scarcely made up my mind on this subject, little supposing that any application would be made to me. Yesterday, however, a Major A. M., a very respectable gentleman, and an uncle to Swinney on the mother's side, came down in the stage from Richmond, and made that application in a manner which affected me very sensibly. He stated the distress and distraction of his sister, the mother of Swinney; said it was the wish of the young man to be defended by me, and that if I would undertake it it would give peace to his relations. What shall I do? If there is no moral or professional impropriety in it, I know that it might be done in a manner which would avert the displeasure of every one from me, and give me a splendid *debut* in the metropolis. Judge Nelson says I ought not to hesitate a moment to do it; that no one can justly censure me for it; and, for his own part, he thinks it highly proper that the young man should be defended. Being himself a relation of Judge Wythe's, and having the most delicate sense of propriety, I am disposed to confide very much in his opinion. But I told Major M., I would take time to consider of it, and give him an answer, at the farthest, in a month. I beg you, my dear B., to consider this subject, and collect, if you can conveniently in conversation, the opinions of your parents and Cabell, and let me hear the result. My conduct through life is more important to you and your children than even to myself; for to my own heart I mean to stand justified by doing nothing that I think wrong. But, for your sakes, I wish to do nothing that the *world* shall think wrong. I would not have you or them subject to one reproach hereafter because of me."

* * * * * *

On such a question as is here proposed—indeed on most questions of conduct or duty,—the sensibility of an intelligent and virtuous woman is often worth more than all the dialectics of the most accomplished casuist, to discern what it best becomes us to do in a matter that touches our reputation. Her feelings are but the quick perceptions of a heart that reasons better than the mind. Guided by the instinctive love, characteristic of her sex, of what is beautiful, not less in moral than in physical life, she lights upon her conclusion with a rapidity and a truth which outstrip all argument in speed, and

often, in equal degree, surpass it in wisdom. When this judgment is stimulated by the affectionate anxiety of a wife, it is even less apt to stray into error: the very tenderness of her relation renders it the more impartial.

How it fared in regard to Swinney's case, is told in a passage from a letter written within ten days after the last. * * * "I shall defend young Swinney under your counsel. My conscience is perfectly clear, from the accounts I hear of the conflicting evidence. Judge Nelson again repeats, on consideration, the opinion he before gave me as to the perfect propriety of the step."

Swinney, as we have seen, was tried and acquitted. I have no record to furnish me the grounds of this acquittal, much less to enable me to say any thing of "*the splendid debut*" which Wirt anticipated.

It is not unlikely that the trial terminated in favour of the accused from a defect in the evidence, by no means unusual in those states, whose statutory law disqualifies a witness from giving testimony, upon objections founded merely in the race or blood of the person acquainted with the facts. The cook in this case, who seems to have been, perhaps, the only direct witness, we may conjecture, was a negro, and forbidden to be heard in a court of justice. If this be the real cause of the acquittal, it presents a very striking and cogent example of the impolicy of a law so prevalent in the United States. It may well be questioned, whether more inconvenience and mischief do not result from such legal restraints as disable our familiar servants from testifying to the thousand transactions in which our interest is concerned, and under circumstances that scarcely admit of other testimony, than can be compensated by any supposed good which may properly be ascribed to the disqualification. Is there, in fact, any just ground of policy in shutting off the only testimony by which innocence may be proved, guilt established, or common matters of right determined? Are not courts and juries sufficiently able to judge of the credibility of a witness in every case?

We pass from these speculations to the regular course of our narrative.

Wirt was passionately fond of music, and devoted a portion of his time to its cultivation throughout every period of his life. The

following playful letter was written to commend a teacher of the art to a friend of his in Williamsburg who was at the head of an academy there.

TO LEROY ANDERSON.

Richmond, September 25, 1806.

Dear Sir:

Your two favours were received together, yesterday. It is well for me they were so; for having no pretensions to poetry, either Ossianic or Horatian, I should have been very much at a loss how to answer your first, if it had come alone. I was disposed to ask myself how it was possible for you to write so fine a rhapsody on two such subjects as B—— and myself, until I recollected the answer of the poet Waller to Charles II, when asked why he had produced so superior an ode on the death of Cromwell, to that in which he had celebrated his own restoration? "because poetry excels in fiction." But your last has let me down to the tone of business, and made me feel myself at home.

I know Vogel, he gave several lessons to Mrs. Wirt in Richmond and in Norfolk. I have also frequently heard him play alone, and can safely pronounce him the finest male performer on the piano that I have ever heard. But like his predecessor B—— he is a son of Anacreon;—not that his potations are either so frequent or so deep as poor B——'s; but the ladies, his scholars in Norfolk, sometimes complained of neglect, which was attributed to frolics over-night. In Williamsburg he will have fewer temptations, and I dare say will do better.

There is a little fellow here, by the name of ——, of whose skill in music the ladies and other connoisseurs of Richmond speak very highly. But he is only about seventeen, and they tell me (for I have not seen him) a perfect Adonis. I would speak to him in the manner you direct, but that I remember a novel called "Miss Beverly," which I read when a boy. She is represented as the daughter of respectable parents, who, at the budding age, had a young beau introduced into the house as her music-master. Her fancy was set agog by him, and never rested afterwards. This to be sure is fiction, but it is in nature; and I should apprehend that such a fellow as —— is said to be, might put to flight the

> "Quips and cranks and playful wiles
> Nods and becks and wreathed smiles"

of your academy, and introduce the sigh and tear of midnight in their place. Nevertheless, if you say so, instruct me, and I will speak to him.

On further recollection, there is, I think, a Mrs. C—— here, who also teaches music. I will know with certainty before next week, and whether she will be willing to remove to Williamsburg, on the terms you propose. Her answer I will deliver in person, and you may choose between her and Vogel.

Poor B——! I am really sorry for him, for he was a harmless being, with as gentle a soul as any man ever had. But I dare say "death came like a friend to release him from pain." In the Elysian shades he may rove and feast on harmony among spirits as gentle as his own, unmolested by any painful remembrance of home and the discordant shrieks of his Alecto. Suppose you give him an epitaph or a monody.

I am much obliged to you for the concern which you express for my health. It was a slight touch of the ague and fever: a mere piece of ceremony by way of conferring on me the freedom of the city. It is entirely over.

With the best wishes for your prosperity and happiness,

I am, dear sir,

Your friend and servant,

WM. WIRT.

Francis Walker Gilmer, whom we have heretofore noticed, was now approaching to manhood. He had resolved to devote his studies to the science of medicine, and had partially entered upon that pursuit. It will be seen hereafter that he found reason, at a later period of his life, to change this profession for the law, in which he gave the strongest promise of eminent success. Mr. Wirt had not so far alienated himself from the memory and attachments of Pen Park as to lose his interest in the family which yet inhabited there. Death had made his usual ravages in the family circle, but the heart of him who had been so tenderly fostered under that roof, lost nothing of its original reverence for those who were departed, nor of its kind solicitude for the welfare of those who survived. This interest was cherished on both sides by frequent correspondence, but more particularly by that with Francis, who had grown to be an especial favourite with his brother-in-law. In this letter we get some agreeable glimpses of Pen Park and its inmates.

TO FRANCIS W. GILMER.

RICHMOND, October 9th, 1806.

MY DEAR FRANCIS:

Your favour of the 4th ult. came regularly to hand, and gave me all the pleasure you wished and intended. It has been lying ever

since, in the drawer of my writing-chair, waiting for an interval of leisure to answer it. I am sure I need not tell you what a source of delight it is to me, to receive these assurances that my brothers and sisters of Albemarle still regard me as one of the same family, although sundered from them by my destiny. The misfortunes of Pen Park have, indeed, scattered us all most wofully, and placed us in every variety of circumstances and situation. Let it be the object of the survivors to soften these misfortunes and their consequences, as well as they can, by cherishing for each other the most cordial affection, and reciprocally plucking from the path of life each thorn of care and sorrow as we go along. You, my dear Francis, and your brothers, will have a farther, and, if possible, a still sweeter office to perform. To raise the name of Gilmer from the tomb, and crown it with fresh honours. I have seen that name honoured, and highly honoured, for genius, science, and virtue. The recollection is very dear to my heart. For what is lost, I console myself with the hope that I shall live to see the day, when the family will rise to all its former reputation for superior endowments, both of the mind and heart; and even bloom with more extended and diversified honours. The genius of the family is not lost. I am charmed to see it inherited in such abundance, and I cannot believe that its inheritors will, for want of energy and enterprise, fail to replace it on the roll of fame.

Peachy, I hear, is contributing his quota towards its restoration, by making very strenuous and successful exertions in Henry county. He has a good deal of his father's cast of character, and, among other qualities, will, I think, possess the same manly and impressive eloquence for which he was remarkable. The bar will afford him a field for its display which his father had not. And therefore, if his exertions continue, he cannot fail to enlarge the sphere of the family distinction on this head. You, I understand, purpose to follow your father's profession. The science of medicine is, I believe, said to be progressive, and to be daily receiving new improvements. You will therefore have a wide field to cultivate, and will take the profession on a grander scale. It will be your own fault, therefore, if you do not, as a physician, fill a larger space in the public eye. But the space which your father occupied was filled not merely by his eminence as a physician, (although he was certainly among the most eminent); he was, moreover, a good linguist, a master of botany, and the chemistry of his day, had a store of very correct general science, was a man of superior taste in the fine arts, and, to crown the whole, had an elevated and a noble spirit. In his manners and conversation he was a most accomplished gentleman; easy and graceful in his movements, eloquent in speech; in temper, gay and animated, and inspiring every company with his own tone; with wit pure, sparkling, and perennial; and when the occasion called for it, uttering sentiments of the highest dignity, and utmost force. Such was your father,

before disease had sapped his mind and constitution, and such the model which, as your brother, I would wish you to adopt. It will be a model much more easy for you to form yourself on, than any other, because it will be natural to you; for, I well remember to have remarked, when you were scarcely four years old, how strongly nature had given you the cast of your father's character. If he had lived and enjoyed his health until you had grown to manhood, you would have been his exact counterpart. All that you can do now is, to form to yourself by the descriptions of others, an exact image of your father in his meridian, and even, if possible, to surpass him.

Endeavour to cultivate that superior grace of manners which distinguishes the gentleman from the crowd around him. In your conversation, avoid a rapid and indistinct utterance, and speak deliberately and articulately. Your father was remarkable for his clear and distinct enunciation, and the judgment with which he placed his emphasis. Blend with the natural hilarity of your temper, that dignity of sentiment and demeanour, which alone can prevent the wit and humourist from sinking into a trifler, and can give him an effective attitude in society.

Get a habit, a *passion* for reading, not flying from book to book, with the squeamish caprice of a literary epicure, but according to the course which Mr. Robertson will prescribe to you. Read systematically, closely, and thoughtfully; analyzing every subject as you go along, and laying it up carefully and safely in your memory. It could have been only by this mode that your father gained so much correct information on such a variety of subjects. Determine with yourself that no application shall be wanting to lift you to the heights of public notice; and, if you find your spirits and attention beginning to flag, think of being buried all your life in obscurity, confounded with the gross and ignorant herd around you. But there are yet more animating and more noble motives for this emulation; the power of doing more extensive good, by gaining a larger theatre and increasing the number of objects; the pure delight of hearing one's self blessed for benevolent and virtuous actions; and, as a still more unequivocal and rapturous proof of gratitude, "reading that *blessing* in a nation's eyes:" add to this, the communicating the beneficial effects of this fame to our friends and relations; the having it in our power to requite past favours, and to take humble and indigent genius by the hand, and lead it forward to the notice of the world. These are a few, and but a few, of the good effects of improving one's talents to the highest point by careful and constant study, and aspiring to distinction.

I am very much pleased with your letter. You read the classics with a discrimination of taste and judgment unusual at your years, and therefore the more honourable to you. I concur with you in your remarks upon the Æneid of Virgil as well as the Odes of

Anacreon. I am fond of a vivid picture, painted to the fancy, such as Virgil's storm. Anacreon, too, is thought a good describer, in his way; but his way is a very bad one, and his odes can be estimated and enjoyed only by the debauchee who has himself rolled in the sensualities on which alone the genius of Anacreon seems to have luxuriated. I hope you will never possess this test for judging his merit. You will gratify me by writing to me often, and if you will allow me to write to you like an elder brother, who would wish you to profit by his own experience, and to attain all those honours which he has missed, you shall hear from me as often as I can find a leisure hour. My love to our brothers and sisters when you see them. Let me be remembered to Mr. and Mrs. Meriwether and Mr. R. Robertson; all of whom I very much esteem.

Your friend and brother,

WM. WIRT.

CHAPTER XIII.

1807.

AARON BURR BROUGHT TO RICHMOND.—INDICTED FOR TREASON.—WIRT RETAINED AS COUNSEL BY THE GOVERNMENT.—THE TRIAL.—SOME OF ITS INCIDENTS.—THE ASPERITY OF COUNSEL.—EXTRACTS OF THE ARGUMENT.

THE year 1807 is memorable in the life of Wirt as the year of the trial of Aaron Burr.

Burr's conspiracy is one of the most extraordinary incidents connected with the history of this country. Whether it were the mere dream of a bold, ambitious and wicked citizen, or his meditated and prepared enterprise, enough has been brought to light, in the investigation of that incident, to excite the amazement of every one, that a man so eminent, so gifted with splendid talents, and so able to appreciate the character and temper of the American people, should have permitted himself to fall into the infatuation of even an idle speculation upon his power to accomplish what, from all the evidence which has been divulged, we are hardly at liberty to disbelieve was his purpose.

It seems certain that Burr entertained some visionary notion of his ability to produce a revolution in the government at the Capital; that he talked familiarly of expelling the President; and, with no more than "the Marine Corps" at Washington, of driving, if need were, the Congress "into the Potomac." That he abandoned this project for one which he supposed more practicable—the separation of the Union and the erection of a Western Confederacy beyond the Allegany. That finding this, upon more mature reflection, somewhat too arduous for his means, he finally sought the gratification of his restless and too prurient desire of fame, in a scheme to invade Mexico and make himself master of those fair domains.

The ill-will engendered, particularly throughout the Southern States, against Spain, by her offensive policy in regard to the navigation of the Mississippi, and her still more offensive proceedings afterwards, and the constant expectation of a collision with that power, furnished a basis for this scheme of Burr's, which gave it a substantial aspect, and brought it within the category of things of probable accomplishment. The other schemes were but the madness of the moon, in comparison.

Mr. Jefferson had, with most commendable caution and address, though not without great difficulty, restrained the exasperated spirit of our people from an assault upon the Spanish provinces beyond the Mississippi;—an assault which would, at that day, have anticipated the brilliant achievements which have recently placed an American army in the ancient city of Mexico. Then, as now, it would only have been necessary for the government to give permission to the thousands and tens of thousands who find in war a pastime and a profit, to have overrun Mexico with the force of a torrent.

"No better proof," says Mr. Jefferson, in a letter to Mr. Bowdoin, "of the good faith of the United States could have been given, than the vigour with which we have acted, and the expense incurred, in suppressing the enterprise meditated lately by Burr against Mexico. Although, at first, he proposed a separation of the Western country, and on that ground received encouragement and aid from Yrujo, according to the usual spirit of his government towards us, yet he very early saw that the fidelity of the Western country was not to be shaken, and turned himself wholly towards Mexico. And so popular

is an enterprise on that country in this, *that we had only to lie still, and he would have had followers enough to have been in the city of Mexico in six weeks.*"

In a letter, afterwards, to La Fayette, he remarked, "nothing has ever so strongly proved the innate force of our form of government as this conspiracy. Burr had probably engaged one thousand men to follow his fortunes, without letting them know his projects, otherwise than by assuring them the government approved of them. The moment a proclamation was issued, undeceiving them, he found himself left with about thirty desperadoes only. The people rose in mass wherever he was, or was suspected to be, and, by their own energy, the thing was crushed in one instant, without its having been necessary to employ a man of the military, but to take care of their respective stations. His first enterprise was to have been to seize New Orleans, which he supposed would powerfully bridle the upper country, and place him at the door of Mexico. It is with pleasure I inform you that not a single native Creole, and but one American, of those settled there before we received the place, took any part with him. His partisans were the new emigrants from the United States and elsewhere, fugitives from justice or debt, and adventurers and speculators of all descriptions."

Burr had been arrested in January, on the Mississippi; had been subjected to an examination at Washington, in Mississippi Territory, and detained in custody to be sent to the capital of the United States. He had escaped from this custody, and was soon afterwards arrested near Fort Stoddard on the Tombigbee, making his way to Mobile. Upon this he was conducted to Richmond, to be tried on a charge of high treason. He arrived here on the 26th of March. Wirt was then in Williamsburg. A letter from him to his wife, on the 20th, alludes to the fact of Burr's expected trial.

"Your letter gave me the first tidings of the apprehension of Burr, and his being sent to Richmond. This was news indeed. Since I came here this evening, I understand he arrived in Richmond on Thursday night, in the same disguise in which he was apprehended; and, farther, that he has engaged Randolph and Wickham in his defence. I should not be much surprised if he is discharged on a petition to the judge, or let to bail, and make his escape again. If the

man is really innocent, these persecutions will put the devil in his head, unless he is more than man in magnanimity."

The primary examination of the prisoner was made before Chief Justice Marshall, on the 30th and 31st of March. This was conducted by Cæsar A. Rodney, the Attorney-General of the United States, and George Hay, the Attorney for the District of Virginia; Messrs. Wickham and Randolph appearing for Burr. The result was, a commitment upon the charge of a misdemeanour in setting on foot a military expedition against the dominions of the King of Spain,—the court refusing to include in the commitment the charge of treason which had been urged by the counsel for the United States.

Colonel Burr was in consequence admitted to bail upon a recognizance to appear in the Circuit Court at its next term on the 22d of May.

The case was again taken up at the appointed day, the Chief Justice and Judge Griffin presiding in the court. Colonel Burr now appeared with two additional counsel, Messrs. Botts and Baker. On the part of the prosecution, Mr. Rodney having withdrawn, Mr. Hay was assisted by Mr. Wirt and Mr. MacRae.

A grand jury, consisting of some of the most eminent citizens of Virginia, with John Randolph of Roanoke, as the foreman, was sworn on that day. After several adjournments and many protracted discussions between the counsel, upon the nature of the evidence to be submitted to them, and on other collateral topics, the grand jury finally, on the 24th of June, brought in indictments, both for treason and misdemeanour, against Aaron Burr and Herman Blennerhasset, which were followed, in two days, by similar indictments against Jonathan Dayton, John Smith, Comfort Tyler, Israel Smith and Davis Floyd.

Colonel Burr, on the same day that these last indictments were presented, pleaded not guilty, and the trial was postponed until the 3d of August.

Without saying more, at present, as to the incidents of the trial, or making any reference to the facts brought into proof, or the points of law discussed, it will be sufficient to note that a most elaborate and profound opinion was delivered by the Chief Justice, which ex-

cluded from the case, as it was affirmed, a large amount of testimony which might have shown Burr's intentions, and thus, on the 1st of September, put an end to the trial on the indictment for treason. The verdict was: "We of the jury say that Aaron Burr is not proved to be guilty under this indictment, by any evidence submitted to us. We therefore find him not guilty."

The indictment for the misdemeanour, met the same fate. The opinion of the court, in that case, excluded the testimony relied on, and the jury again found a verdict of not guilty.

Upon this, the traverser was committed and held to bail, to answer in Ohio, on the charge of setting on foot and providing the means for a military expedition against the territories of Spain.

In a letter of Colonel Burr's, to his daughter, dated October 23, 1807, we find the following notice of the event:

"After all, this is a drawn battle. The Chief Justice gave his opinion on Tuesday. After declaring that there were no grounds of suspicion, as to the treason, he directed that Burr and Blennerhasset should give bail in three thousand dollars, for further trial in Ohio. The opinion was a matter of regret and surprise to the friends of the Chief Justice, and of ridicule to his enemies,—all believing that it was a sacrifice of principle to conciliate Jack Cade. Mr. Hay immediately said that he should advise the government to desist from further prosecution. That he has actually so advised, there is no doubt."

The conduct of Burr, throughout the trial, was in keeping with this insinuation against the firmness and integrity of Chief Justice Marshall. There is apparent, in his demeanour, during the trial and before it, an affectation of innocence, which, under the circumstances, almost partakes of insolent defiance, and which very significantly accords with the bold and confident character of his whole scheme. He seems to have regarded his enterprise almost as an act of beneficence to the country, and the attempt to arrest it, as somewhat in the light of insult and persecution. "You have read to very little purpose," he says, in a letter to his daughter, during the pendency of the trial, "if you have not remarked that such things happen in all democratic governments. Was there in Greece or Rome, a man of virtue and independence, and supposed to possess great talents, who was not the object of vindictive and unrelenting persecution?"

And again,

"I want an independent and discerning witness to my conduct, and to that of the government. The scenes which have passed, and those about to be transacted, will exceed all reasonable credibility, and will hereafter be deemed fables, unless attested by very high authority."

These are curious revelations of feeling, in contrast with the facts divulged upon the trial. Judge Marshall, — whose opinions in this case were, like all the other exhibitions of his judicial character, fraught with the calm and impartial spirit of justice itself, and distinguished for their legal shrewdness and depth,—did not escape some animadversions from the side of the government, as well as this of the prisoner; but the country has not failed to render full honour to the purity, as well as the wisdom, of the mind which guided the issues of this celebrated trial.

We come now to present some of the leading features of the case, so far as Wirt's participation in it may be of interest. In doing this I shall make a few extracts from his speeches, by no means designing to fatigue the reader with a detail either of the facts or the law of the case, which, indeed, may only be properly understood by a reference to the trial itself. But as Wirt obtained by his labours in this trial a large increase of popularity, both at the bar and with the country, it will not be considered as inappropriate to the subject before us, to cull from the report of it such passages or incidents as may be characteristic of the counsel whose name has become so favourably connected with it.

The trial was remarkable for the asperity with which it was conducted on both sides. Almost in the first stage of its progress, the court was obliged to comment upon the temper displayed by counsel.

An application was made by Col. Burr for a subpœna to the President of the United States, with a clause requiring him to produce a letter which he had received from Gen. Wilkinson, dated 21 October, 1806; and also to produce copies of certain orders which had been issued by the government relative to the arrest.

This application was resisted on one ground, amongst others, that the relevancy or materiality of the papers referred to was not shown, —the affidavit in the case being "that the said letter *may* be material" to the defence. A long debate ensued.

MR. WIRT said, in the course of this debate—"We do not deny that a subpœna may be issued to summon the President, and that he is as amenable to that process as any other citizen.

* * I shall show that the *subpœna duces tecum* is not a process of right, but that the application is addressed to the discretion of the court—

"MR WICKHAM.—This is admitted.

"MR. WIRT.—I thank you for the admission. You have relieved me from the unnecessary trouble of so much of my argument. The question then is, by what circumstances should that discretion be controlled? Should it be by the mere wish of the prisoner? If so, it is in vain that the court possesses any discretion on the subject. The prisoner has but to ask and have. Consider this wide and bold doctrine on the ground of expediency. Would you summon any private individual, from the remotest part of the United States, to produce a paper on the mere wish of the prisoner, without defining the paper, and showing how it bore on his defence? If you would, you put the pursuits and the peace of every individual in the United States at the mercy of the prisoner's caprice and resentments. This argument from inconvenience assumes an attitude of most awful and alarming importance, when you extend it to a case like this before the court. A prisoner has seldom any cordial amity for the government by which he is prosecuted for a crime. The truth is, he feels himself in a state of war with that government, and the more desperate his case, the more ardent will be his spirit of revenge. Would you expose the offices of state to be ravaged at the mere pleasure of a prisoner, who, if he feels that he must fall, would pant for nothing more anxiously than 'to grace his fall and make his ruin glorious,' by dragging down with him the bright and splendid edifice of the government? Sir, if Aaron Burr has the right, at his mere wish, to call one paper from the government, he has the same right to call any other; and so, one after another, might divulge every document and secret of state, however delicate our foreign relations might be, and however ruinous the disclosure to the honour and prosperity of the country.

"It is much to be wished that a rule could be devised which, while it would protect the rights of the prisoner, should also protect the public offices from being wantonly and unnecessarily violated. I

think there is such a rule. It is this: By requiring that the prisoner, who calls for a paper, should show that the paper applies to his case and is requisite for his defence. When he shall have done this, I hold that he is entitled to call for any paper. It will then rest with the President of the United States, the officer appointed by the people to watch over the national safety, to say whether that safety will be endangered by divulging the paper.

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"Again, sir. I have never seen or heard of an instance of this process being required to bring forward any paper, but where such a paper was in its nature evidence, for which either party had an equal right to call, and to use it when produced. But it is obvious that, in this case and in the present state of things, we could not use the letter of General Wilkinson as evidence; although the opposite party should obtain his subpœna *duces tecum* for this paper, and would seem thereby to have made it evidence, and introduced it into the cause. Yet after it comes we cannot use it: hence there is no reciprocity in it. The paper is not, at present, evidence, and therefore is not within the principle on which this process is awarded. One more remark on this letter, and I have done with it. I am no more an advocate for the needless multiplication of state secrets, than the gentleman who has preceded me. It looks too much like the mysteries of monarchy; and I hate monarchy with all its mysteries, as I do the mysterious movements of those who are lovers of monarchy. Yet it is obvious, that there may be cases in which the very safety of the state may depend on concealing the views and operations of the government. I will instance this very letter. I do not know what it contains; but it is from the general who commands on the Spanish frontier. That the state of our affairs was and is, with Spain, not the most amicable is well understood. We know that our affairs in that quarter wear, even at this time, the most lowering aspect. Suppose this letter should contain a scheme of war, a project of attack, — would it be proper to divulge and proclaim it even to Spain herself? If the letter contains such a thing, I have no doubt that the President ought to and will conceal at least so much of it. This, however, will be a question with him, when the paper shall be called for; and a question which he alone is competent to decide.

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"I cannot take my seat, sir, without expressing my deep and sincere sorrow at the policy which the gentlemen in the defence have thought it necessary to adopt. As to Mr. Martin, I should have been willing to impute this fervid language to the sympathies and resentments of that friendship which he has taken such frequent occasions to express for the prisoner, his *honourable friend.* In the cause of friendship I can pardon zeal even up to the point of intemperance; but the truth is, sir, that before Mr. Martin came to Richmond, this policy was settled; and on every question incidentally brought before the court, we were stunned with invectives against the administration. I appeal to your recollection, sir, whether this policy was not manifested even so early as in those new and until now unheard of challenges to the grand jury for favour. Whether that policy was not followed up with increased spirit, in the very first speeches which were made in this case; those of Mr. Botts and Mr. Wickham on their previous question pending the attorney's motion to commit? Whether they have not seized with avidity every subsequent occasion, and on every mere question of abstract law before the court, flew off at a tangent from the subject, to launch into declamations against the government? Exhibiting the prisoner continually as a persecuted patriot: a Russell or a Sidney, bleeding under the scourge of a despot, and dying for virtue's sake! If there be any truth in the charges against him, how different were the purposes of his soul from those of a Russell or a Sidney! I beg to know what gentlemen can intend, expect, or hope, from these perpetual philippics against the government? Do they flatter themselves that this court feel political prejudices which will supply the place of argument and innocence on the part of the prisoner? Their conduct amounts to an insinuation of the sort. But I do not believe it. On the contrary, I feel the firm and pleasing assurance, that as to the court, the beam of their judgment will remain steady, although the earth itself should shake under the concussion of prejudice. Or is it on the bystanders that the gentlemen expect to make a favourable impression? And do they use the court merely as a canal, through which they may pour upon the world their undeserved invectives against the government? Do they wish to divide the popular resentment, and diminish thereby their own quota? Before the gentlemen arraign the administration,

let them clear the skirts of their client. Let them prove his innocence; let them prove that he has not covered himself with the clouds of mystery and just suspicion; let them prove that he has been all along erect and fair, in open day, and that these charges against him are totally groundless and false. That will be the most eloquent invective which they can pronounce against the prosecution; but until they prove this innocence, it shall be in vain that they attempt to divert our minds to other objects, and other inquiries. We will keep our eyes on Aaron Burr, until he satisfies our utmost scruple. I beg to know, sir, if the course which gentlemen pursue is not disrespectful to the court itself? Suppose there are any foreigners here, accustomed to regular government in their own country, what can they infer from hearing the federal administration thus reviled to the federal judiciary? Hearing the judiciary told, that the administration are '*blood-hounds*, hunting this man with a keen and savage thirst for blood; that they now suppose they have hunted him into their toils, and have him safe.' Sir, no man, foreigner or citizen, who hears this language addressed to the court, and received with all the complacency at least which silence can imply, can make any inferences from it very honourable to the court. It would only be inferred, while they are thus suffered to luxuriate in these gross invectives against the administration, that they are furnishing the joys of a Mahometan paradise to the court as well as to their client. I hope that the court, for their own sakes, will compel a decent respect to that government of which they themselves form a branch. On our part, we wish only a fair trial of this case. If the man be innocent, in the name of God let him go; but while we are on the question of his guilt or innocence, let us not suffer our attention and judgment to be diverted and distracted by the introduction of other subjects foreign to the inquiry."

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"Mr. Wickham appealed to the court if the counsel for Colonel Burr had been the first to begin the attack, and wished the gentleman to follow his own wise maxims.

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"All that Colonel Burr is obliged to show, is probable cause to believe that Wilkinson's letter may be material. Mr. Wirt has said,

that the acquittal of Colonel Burr will be a satire on the government. I am sorry that the gentleman has made this confession, that the character of the government depends on the guilt of Colonel Burr. If I believed him to be correct, I could easily explain, from that circumstance, the anxiety manifested to convict him, and the prejudices which have been excited against him. But I will not believe that this is the case, and will tell the gentleman that we think Burr may be acquitted, and yet the government have pure intentions.

"The writ of *subpœna duces tecum* ought to be issued, and if there be any state secrets to prevent the production of the letter, the President should allege it in his return; for, at present, we cannot know that any such secrets exist. The court, when his return is before them, can judge of the cause assigned. But I have too good an opinion of the President to think he would withhold the letter.

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"We contend that no affidavit on the part of Colonel Burr is necessary. Wilkinson's affidavit, already published, together with the President's communication to Congress, prove that the letter in question must be material. It may show that the treasonable transactions attributed to Colonel Burr, within the limits of this state, never existed; for, as to Blennerhasset's island, the gentlemen in the prosecution *know* there was no such thing as a military force on that island.

["Here Mr. HAY interrupted him, and said that it was extremely indelicate and improper to accuse them of voluntarily supporting a cause which they knew to be unjust. He solemnly denied the truth of the charge against him and the gentleman who assisted him, and declared that they could prove the actual existence of an armed assemblage of men on Blennerhasset's island, under the command of Aaron Burr.]

"Mr. Wickham acknowledged that he had gone too far in the expression he had used, and ought not to have uttered what he had said concerning the counsel for the United States, and declared that he meant nothing personal against them."

Upon the conclusion of Mr. Wickham's speech, the Chief Justice remarked, "that although many observations, in the course of the several discussions which had taken place, had been made by the

gentlemen of the bar, in the heat of debate, of which the court did not approve, yet the court had hitherto avoided interfering; but, as a pointed appeal had been made to them on this day (alluding to the speech of Mr. Wirt), and they had been called upon to support their own dignity by preventing the government from being abused, the court thought it proper to declare that the gentlemen on both sides had acted improperly in the style and spirit of their remarks; that they had been to blame in endeavouring to excite the prejudices of the people; and had repeatedly accused each other of doing what they forget they have done themselves The court therefore expressed a wish that the counsel for the United States and for Colonel Burr would confine themselves, on every occasion, to the point really before the court; that their own good sense and regard for their characters required them to follow such a course; and it was hoped that they would not hereafter deviate from it."

Mr. HAY, referring to the orders of the government for the suppression of Burr's expedition, which were called for, in connection with the letter of General Wilkinson, remarked:

"They next contend that the orders are material, because they were illegal, arbitrary, unconstitutional, oppressive, and unjust; that Burr's acts were merely acts of self-defence against tyranny and usurpation, and, of course, were justifiable.

"Many strange positions have been laid down, but this is monstrous. Mr. Martin will excuse me for saying that I expected sounder doctrine from his age and experience. These principles were not learnt by him in Maryland, nor are they the doctrines of this place. Considering that he has come all the way from Maryland to enlighten us of the Virginia bar by his great talents and erudition, I hoped he would not have advanced a doctrine which would have been abhorred, even in the most turbulent period of the French revolution, by the Jacobins of 1794."

From Luther Martin's argument we extract a portion of his reply to Mr. Hay:

"The gentleman has told us," he said, "that respect ought to be paid to the officers of government. It is granted. I thought so once. I thought that the officers of government ought to be treated with high respect, however much their conduct ought to be the subject of

criticism; and I invariably acted according to that principle. If I have changed my opinion, I owe it to the gentleman himself, and the party he is connected with. They formerly thought differently. That gentleman and his friends so loudly and incessantly clamoured against the officers of government, that they contributed to effect a change in the administration, and are now, in consequence, basking in the sunshine of office; and therefore they wish to inculcate and receive that respect which they formerly denied to others in the same situation. We have a right to inspect the orders issued from the War and Navy Departments; because, if they were illegal, we had a right to oppose them. If they were unconstitutional and oppressive, it was right to resist them: but this is denied, because we are not trying the President. God forbid we should! But we are trying if we had a right to resist. If every order, however arbitrary and unjust, is to be obeyed, we are slaves as much as the inhabitants of Turkey. If the presidential edicts are to be the supreme law, and the officers of the government have but to register them, as formerly in France, (the country once so famed by these gentlemen for its progress and advancement towards liberty;) and if we must submit to them, however unjust and unconstitutional, we are as subject to despotism as the people of Turkey, the subjects of the "*Grand Monarque*" of old in France, or those of the despot Bonaparte at this day. If this were true, where would be our boasted freedom? where the superior advantages of our government, or the beneficial effects of our revolutionary struggles? I will take the liberty of explaining how far resistance is justifiable. The President has certain known and well-defined powers; so has a common magistrate, and so has a constable. The President may exceed his legal authority, as well as a magistrate or a constable. If a magistrate issue a warrant and direct it to a constable, resistance to it is at the peril of the person resisting. If the warrant be illegal, he is excused; but if it be legal, he is not. On the same principle, resistance to the orders of the President is excusable, if they be unconstitutional and illegal. Resistance to an act of oppression, unauthorised by law, can never be criminal; and this is all we contend for."

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"The gentleman expressed his surprise that such doctrines should come from me, who come from Maryland to instruct and enlighten

the Virginia bar. I come not to instruct and enlighten. I come to unite my feeble efforts with those of other gentlemen in defence of my friend, whom I believe to be perfectly innocent of the heavy charges against him; but their conduct evinces, that if I were to attempt it, my instructions would be in vain. If, however, I did venture to advise him, it would be, not to accuse us of evil intentions; to mix a little of the milk of human nature with his disposition and arguments; to make his conduct conformable to his professions, and not to be perpetually imputing guilt to us. But the gentleman needs no advice."

The opinion of Chief Justice Marshall upon the questions submitted in this debate, thus disposes of the principal point under discussion:—

"The second objection is, that the letter contains matter which ought not to be disclosed.

"That there may be matter, the production of which the court would not require, is certain; but that, in a capital case, the accused ought, in some form, to have the benefit of it, if it were really essential to his defence, is a position which the court would very reluctantly deny. It ought not to be believed, that the department which superintends prosecutions in criminal cases would be inclined to withhold it. What ought to be done, under such circumstances, presents a delicate question, the discussion of which, it is hoped, will never be rendered necessary in this country. At present it need only be said, that the question does not occur at this time. There is certainly nothing before the court which shows that the letter in question contains any matter, the disclosure of which would endanger the public safety. If it does contain such matter, the fact may appear before the disclosure is made. If it does contain any matter which it would be imprudent to disclose, which it is not the wish of the executive to disclose, such matter, if it be not immediately and essentially applicable to the point, will of course be suppressed. It is not easy to conceive that so much of the letter as relates to the conduct of the accused can be a subject of delicacy with the President. Every thing of this kind, however, will have its due consideration, on the return of the subpœna."

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"Much has been said about the disrespect to the chief magistrate, which is implied by this motion, and by such a decision of it as the law is believed to require.

"These observations will be very truly answered by the declaration, that this court feels many, perhaps peculiar motives, for manifesting as guarded a respect for the chief magistrate of the Union as is compatible with its official duties. To go beyond these would exhibit a conduct which would deserve some other appellation than the term respect.

"It is not for the court to anticipate the event of the present prosecution. Should it terminate as is expected on the part of the United States, all those who are concerned in it should certainly regret that a paper, which the accused believed to be essential to his defence, which may, for aught that now appears, be essential, had been withheld from him. I will not say that this circumstance would, in any degree, tarnish the reputation of the government; but I will say, that it would justly tarnish the reputation of the court which had given its sanction to its being withheld. Might I be permitted to utter one sentiment with respect to myself, it would be to deplore, most earnestly, the occasion which should compel me to look back on any part of my official conduct with so much self-reproach as I should feel, could I declare, on the information now possessed, that the accused is not entitled to the letter in question, if it should be really important to him.

"The propriety of requiring the answer to this letter is more questionable. It is alleged, that it most probably communicates orders showing the situation of this country with Spain, which will be important on the misdemeanour. If it contain matter not essential to the defence, and the disclosure be unpleasant to the executive, it certainly ought not to be disclosed. This is a point which will appear on the return. The demand of the orders which have been issued, and which have been, as is alleged, published in the Natchez Gazette, is by no means unusual. Such documents have often been produced in the courts of the United States and the courts of England. If they contain matter interesting to the nation, the concealment of which is required by the public safety, that matter will appear upon the return. If they do not, and are material, they may be exhibited."

This decision seems, with some qualification, to conform with the views of Mr. Jefferson, as expressed upon this proceeding in his letter to Mr. Hay, in which, after proffering his readiness to supply the letter in question, and all other matters alleged to be necessary to the defence, he remarks:

"With respect to papers, there is certainly a public and a private side to our offices. To the former belong grants of land, patents for inventions, certain commissions, proclamations, and other papers patent in their nature. To the other belong mere executive proceedings. All nations have found it necessary that, for the advantageous conduct of their affairs, some of these proceedings, at least, should remain known to their executive functionary only. He, of course, from the nature of the case, must be the sole judge of which of them the public interests will permit publication. Hence, under our Constitution, in requests of papers from the legislative to the executive branch, an exception is carefully expressed, as to those which he may deem the public welfare may require not to be disclosed; as you will see in the enclosed resolution of the House of Representatives, which produced the message of January 22d, respecting this case. The respect naturally due between the constituted authorities, in their official intercourse, as well as sincere dispositions to do for every one what is just, will always insure from the executive, in exercising the duty of discrimination confided to him, the same candour and integrity to which the nation has, in like manner, trusted in the disposal of its judiciary authorities."

This brief summary of a discussion, in the year 1807, presents a topic upon which much doubt has often been expressed in the Congress of the United States, and has sometimes been debated with no little acrimony—the extent of the right and the duty of the President to withhold information demanded by either house of Congress. The decision of the court, of which an extract is given in this notice of the trial, and Mr. Jefferson's strictures upon the relative duties of the legislature and the executive, seem to present the question in a point of view which should lead to a just and definitive limitation of the boundaries by which each is properly circumscribed.

CHAPTER XIV.

1807.

BURR'S TRIAL CONTINUED.—THE PRINCIPAL ARGUMENT IN THE CASE.—NOTICES OF WIRT'S SHARE IN IT.—MR. MERCER'S TESTIMONY.—HIS DESCRIPTION OF BLENNERHASSET'S RESIDENCE.—OTHER INCIDENTS OF THE TRIAL.

THE trial proceeded through its preliminary stages, in which every question, capable of being raised, was presented and contested with scrupulous pertinacity and with abundance of acrimony. At length the two indictments were found;—the first, for treason, the second, for the misdemeanour. The case of treason was first taken up; the plea of not guilty made, and, after many challenges and rejections of those who had been summoned on the petit jury, a panel was obtained. New points, as to the order of examining the witnesses, were mooted and argued at every step, with the same asperity as before. Much testimony was delivered on the part of the prosecution. The charge of treason was supposed, by the counsel for the government, to be sustained by the evidence. This evidence proved that numbers of persons, amounting to some thirty or more, had assembled in warlike array, on Blennerhasset's island, in the Ohio river, near Marietta, in December 1806, with a purpose, as it was affirmed, to proceed down the river, and, with the assistance of others, to seize the city of New Orleans, under the pretence of the ultimate invasion of Mexico. It was not proved, however, that Colonel Burr was present with these men on the island.

Upon this testimony the counsel for the prisoner asked the interposition of the court, to arrest the further examination of witnesses, on the following ground, as stated by Mr. Wickham.

"The counsel for the prosecution having gone through their evidence relating directly to the overt act charged in the indictment, and being about to introduce collateral testimony of acts done beyond the

limits of the jurisdiction of this court, and, it not only appearing from the proofs, but being distinctly admitted, that the accused, at the period when the war was said to have been levied against the United States, was hundreds of miles distant from the scene of action, it becomes the duty of his counsel to object to the introduction of any such testimony as wholly irrelevant and inadmissible." Upon this motion of the prisoner's counsel arose the great and decisive argument in the case.

The discussion chiefly turned on the proposition suggested by Mr. Wickham,—"That no person can be convicted of treason in levying war, who was not personally present at the commission of the act charged in the indictment as constituting the offence."

There were other questions of less significance in the case, which were also argued with great amplitude and labour. "Whether there can be treason in levying war without the employment of force." "Whether one who would be only an accessory in a felony, is to be considered as a principal in treason by levying war." "And if so, whether the real principal ought not first to be convicted." These points and others were debated.

I have already intimated that it is not my design to furnish even an outline of this case; that my purpose is to submit only so much of it to the reader, as may give him some characteristic indications of Mr. Wirt's efforts towards the performance of the duty it imposed upon him. In the pursuit of this purpose, I shall continue to make some extracts from his argument upon the points now presented. This discussion was conducted with full preparation and study by all the counsel in the case, and as it was of a nature to determine the issue of the prosecution, it attracted a proportionate degree of interest from the public.

The extracts from Mr. Wirt's speech which follow, are made *sparsim*, and without reference to a continuous or connected view of his topics: they are offered as specimens of manner, and illustrations of modes of thought, and with no view to an exhibition of the general force of the argument, which, indeed, could not be abbreviated without doing injustice to the speaker.

"It is my duty," said Mr. Wirt, in the commencement of his speech, "to proceed on the part of the United States, in opposing

this motion. But I should not deem it my duty to oppose it, if it were founded on correct principles. I stand here with the same independence of action which belongs to the Attorney of the United States; and as he would certainly relinquish the prosecution the moment he became convinced of its injustice, so also most certainly would I. The humanity and justice of this nation would revolt at the idea of a prosecution, pushed on against a life, which stood protected by the laws; but whether they would or not, I would not plant a thorn, to rankle for life in my heart, by opening my lips in support of a prosecution which I felt and believed to be unjust. But believing, as I do, that this motion is not founded in justice, that it is a mere manœuvre to obstruct the inquiry, to turn it from the proper course, to wrest the trial of the facts from the proper tribunal, the jury, and embarrass the court with a responsibility which it ought not to feel, I hold it my duty to proceed for the sake of the court, for the sake of vindicating the trial by jury, now sought to be violated, for the sake of full and ample justice in this particular case, for the sake of the future peace, union and independence of these states, I feel it my bounden duty to proceed; in doing which, I beg that the prisoner and his counsel will recollect the extreme difficulty of clothing my argument in terms which may be congenial with their feelings. The gentlemen appear to me to feel a very extraordinary and unreasonable degree of sensibility on this occasion. They seem to forget the nature of the charge, and that we are the prosecutors. We do not stand here to pronounce a panegyric on the prisoner, but to urge on him the crime of treason against his country. When we speak of treason, we must call it treason. When we speak of a traitor, we must call him a traitor. When we speak of a plot to dismember the Union, to undermine the liberties of a great portion of the people of this country, and subject them to a usurper and a despot, we are obliged to use the terms which convey those ideas. Why then are gentlemen so sensitive? Why on these occasions, so necessary, so unavoidable, do they shrink back with so much agony of nerve, as if instead of a hall of justice, we were in a drawing-room with Colonel Burr, and were barbarously violating towards him every principle of decorum and humanity?

"Mr. Wickham has indeed invited us to consider the subject abstractedly; and we have been told that it is expected to be so considered; but, sir, if this were practicable, would there be no danger in it? Would there be no danger, while we were mooting points, pursuing ingenious hypotheses, chasing elementary principles over the wide extended plains and Alpine heights of abstracted law, that we should lose sight of the great question before the court? This may suit the purposes of the counsel for the prisoner; but it does not therefore necessarily suit the purposes of truth and justice. It will be proper, when we have derived a principle from law or argument, that we should bring

it to the case before the court, in order to test its application and its practical truth. In doing which, we are driven into the nature of the case, and must speak of it as we find it. But besides, the gentlemen have themselves rendered this totally abstracted argument completely impossible, for one of their positions is, that there is no overt act proven at all. Now, that an overt act consists of fact and intention, has been so often repeated here, that it has a fair title to Justice Vaughan's epithet of a '*decantatum.*' In speaking then of this overt act, we are compelled to inquire, not merely into the fact of the assemblage, but the intention of it, in doing which, we must examine and develope the whole project of the prisoner. It is obvious, therefore, that an abstract examination of this point cannot be made; and since the gentlemen drive us into the examination, they cannot complain, if, without any softening of lights or deepening of shades, we exhibit the picture in its true and natural state.

"This motion is a bold and original stroke in the noble science of defence. It marks the genius and hand of a master. For it gives to the prisoner every possible advantage, while it gives him the full benefit of his legal defence: the sole defence which he would be able to make to the jury, if the evidence were all introduced before them. It cuts off from the prosecution all that evidence which goes to connect the prisoner with the assemblage on the island, to explain the destination and objects of the assemblage, and to stamp, beyond controversy, the character of treason upon it. Connect this motion with that which was made the other day, to compel us to begin with the proof of the overt act, in which, from their zeal, gentlemen were equally sanguine, and observe what would have been the effect of success in both motions. We should have been reduced to the single fact, the individual fact, of the assemblage on the island, without any of the evidence which explains the intention and object of that assemblage. Thus, gentlemen would have cut off all the evidence which carries up the plot almost to its conception, which, at all events, describes the first motion which quickened it into life, and follows its progress, until it attained such strength and maturity, as to throw the whole western country into consternation. Thus, of the *world* of evidence which we have, we should have been reduced to the *speck*, the *atom*, which relates to Blennerhasset's Island.

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"I shall proceed now to examine the merits of the motion itself, and to answer the argument of the gentleman (Mr. Wickham) who opened it. I will treat that gentleman with candour. If I misrepresent him, it will not be intentionally. I will not follow the example which he has set me on a very recent occasion. I will not complain of flowers and graces where none exist. I will not, like him, reply to an argument as naked as a sleeping Venus, but certainly not half

so beautiful, complain of the painful necessity I am under, in the weakness and decrepitude of logical vigour, of lifting first this flounce and then that furbelow, before I can reach the wished-for point of attack. I keep no flounces or furbelows, ready manufactured and hung up for use in the millinery of my fancy; and, if I did, I think I should not be so indiscreetly impatient to get rid of my wares, as to put them off on improper occasions. I cannot promise to interest you by any classical and elegant allusions to the pure pages of Tristram Shandy. I cannot give you a squib or a rocket in every period. For my own part, I have always thought these flashes of wit (if they deserve that name), I have always thought these meteors of the brain, which spring up with such exuberant abundance in the speeches of that gentleman, which play on each side of the path of reason, or, sporting across it with fantastic motion, decoy the mind from the true point in debate, no better evidence of the soundness of the argument with which they are connected, nor, give me leave to add, the vigour of the brain from which they spring, than those vapours which start from our marshes and blaze with a momentary combustion, and which, floating on the undulations of the atmosphere, beguile the traveller into bogs and brambles, are evidences of the firmness and solidity of the earth from which they proceed. I will endeavour to meet the gentleman's propositions in their full force, and to answer them fairly. I will not, as I am advancing towards them, with my mind's eye, measure the height, breadth, and power of the proposition; if I find it beyond my strength, halve it; if still beyond my strength, quarter it; if still necessary, subdivide it into eighths; and when by this process I have reduced it to the proper standard, take one of these sections, and toss it with an air of elephantine strength and superiority. If I find myself capable of conducting, by a fair course of reasoning, any one of his propositions to an absurd conclusion, I will not begin by stating that absurd conclusion, as the proposition itself which I am going to encounter. I will not, in commenting on the gentleman's authorities, thank the gentleman with sarcastic politeness for introducing them, declare that they conclude directly against him, read just so much of the authority as serves the purpose of that declaration, omitting that which contains the true point of the case which makes against me; nor, if forced by a direct call to read that part also, will I content myself by running over it as rapidly and inarticulately as I can, throw down the book with a theatrical air, and exclaim, 'just as I said,' when I know it is just as I had not said. I know that by adopting these arts, I might raise a laugh at the gentleman's expense; but I should be very little pleased with myself, if I were capable of enjoying a laugh procured by such means. I know too, that by adopting such arts, there will always be those standing around us, who have not comprehended the whole merits of the legal discussion, with whom I might shake the character

of the gentleman's science and judgment as a lawyer. I hope I shall never be capable of such a wish, and I had hoped that the gentleman himself felt so strongly that proud, that high, aspiring, and ennobling magnanimity, which I had been told conscious talents rarely fail to inspire, that he would have disdained a poor and fleeting triumph, gained by means like these.

"I proceed now to answer the several points of his argument, so far as they could be collected from the general course of his speech. I say, so far as they could be collected; for the gentleman, although requested before he began, refused to reduce his motion to writing. It suited better his partizan style of warfare to be perfectly at large; to change his ground as often as he pleased; on the plains of Monmouth to-day, at the Eutaw Springs to-morrow. He will not censure me, therefore, if I have not been correct in gathering his points from a desultory discourse of four or five hours in length, as it would not have been wonderful if I had misunderstood him. I trust, therefore, that I have been correct; it was my intention to be so; for I can neither see pleasure nor interest, in *misrepresenting* any gentleman; and I now beg the court and the gentleman, if he will vouchsafe it, to set me right, if I have misconceived him.

"I understood him, then, sir, to resist the introduction of farther evidence under this indictment, by making four propositions:

"1. Because Aaron Burr, not being on the island at the time of the assemblage, cannot be a principal in the treason according to the constitutional definition or the laws of England.

"2. Because the indictment must be proved as laid; and as the indictment charges the prisoner with levying war with an assemblage on the island, no evidence to charge him with that act by relation is relevant to this indictment.

"3. Because, if he be a principal in the treason at all, he is a principal in the second degree; and his guilt being of that kind which is termed derivative, no parol evidence can be let in to charge him, until we shall show a record of the conviction of the principals in the first degree.

"4. Because no evidence is relevant to connect the prisoner with others, and thus to make him a traitor by relation, until we shall previously show an act of treason in these others; and the assemblage on the island was not an act of treason.

"I beg leave to take up these propositions in succession, and to give them those answers which to my mind are satisfactory. Let us examine the first: It is because Aaron Burr, not being present on the island at the time of the assemblage, cannot be a principal in the treason, within the constitutional definition or the laws of England.

"In many of the gentleman's general propositions, I perfectly accord with him: as that the Constitution was intended to guard against the calamities to which *Montesquieu* refers, when he speaks

of the victims of treason; that the Constitution intended to guard against arbitrary and constructive treasons; that the principles of sound reason and liberty require their exclusion; and that the Constitution is to be interpreted by the rules of reason and moral right. I fear, however, that I shall find it difficult to accommodate both the gentlemen who have spoken in support of the motion, and to reconcile some of the positions of Mr. Randolph to the rules of Mr. Wickham; for while the one tells us to interpret the Constitution by sound reason, the other exclaims, 'save us from the deductions of common sense.' What rule, then, shall I adopt? A kind of reason which is not common sense might indeed please both the gentlemen; but as that is a species of reason of which I have no very distinct conception, I hope the gentlemen will excuse me for not employing it.

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"The inquiry is, whether *presence* at the overt act be necessary to make a man a traitor? The gentlemen say *that it is necessary;* that he cannot be a principal in the treason without *actual presence.* What says the Supreme Court, in the case of Bollman and Swartwout? 'It is not the intention of the court to say that no individual can be guilty of this crime who has not appeared in arms against his country; on the contrary, if war be actually levied, that is, if a body of men be assembled, for the purpose of effecting by force a treasonable purpose, all those who perform any part, however minute, *or however remote from the scene of action,* and who are actually leagued in the general conspiracy, are to be considered as traitors.'

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"The counsel knew that their first point was met directly by the counter authority of the Supreme Court. They have impliedly, if not expressly admitted it; hence they have been reduced to the necessity of taking the bold and difficult ground, that the passage which I have read is extra-judicial, a mere *obiter dictum.* They have *said* this, but they have not attempted to *show* it.

"Give me leave to show that they are mistaken; that it is not an *obiter dictum;* that *it is not extra-judicial;* but that it is a direct adjudication of a point immediately before the court.

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"But, for a moment, let us relinquish that decision; and, putting it aside, let us indulge the gentleman with the inquiry, whether that decision be in conformity with the Constitution of the United States and the laws of England. In interpreting the Constitution, let us apply to it the gentleman's own principles: the rules of reason and moral right. The question to be thus determined, is whether a man who is absent may not be guilty as if he were actually present.

"That a law should be so construed as to advance the remedy and repress the mischief, is not more a rule of common law than a principle of reason: it applies to penal as well as to remedial laws. So also

the maxim of the common law, that a law as well as a covenant should be so construed that its object may rather prevail than perish, is one of the plainest dictates of common sense. Apply these principles to the Constitution. Gentlemen have said, that its object was to prevent the people from being harassed by arbitrary and constructive treason. But its object, I presume, was not to declare that there was no such crime. It certainly did not mean to encourage treason. It meant to recognise the existence of the crime, and provide for its punishment. The liberties of the people, which required that the offence should be defined, circumscribed and limited, required also that it should be certainly and adequately punished. The framers of the Constitution, informed by the examples of Greece and Rome, and foreseeing that the liberties of this republic might one day or other be seized by the daring ambition of some domestic usurper, have given peculiar importance and solemnity to the crime, by ingrafting it upon the Constitution. But they have done this in vain, if the construction contended for on the other side is to prevail. If it require actual presence at the scene of the assemblage, to involve a man in the guilt of treason, how easy will it be for the principal traitor to avoid this guilt, and escape punishment forever! He may go into distant States, from one State to another. He may secretly wander, like a demon of darkness, from one end of the continent to the other. He may enter into the confidence of the simple and unsuspecting. He may pour his poison into the minds of those who were before innocent. He may seduce them into a love of his person; offer them advantages; pretend that his measures are honourable and beneficial; connect them in his plot and attach them to his glory. He may prepare the whole mechanism of the stupendous and destructive engine, and put it in motion. Let the rest be done by his agents. He may then go a hundred miles from the scene of action. Let him keep himself only from the scene of the assemblage and the immediate spot of battle, and he is innocent in law, while those whom he has deluded are to suffer the death of traitors! Who is the most guilty of this treason, the poor, weak, deluded instruments, or the artful and ambitious man who corrupted and misled them? There is no comparison between his guilt and theirs; and yet you secure impunity to him, while they are to suffer death! Is this according to the rules of reason? Is this moral right? Is this a mean of preventing treason? Or, rather, is it not in truth a direct invitation to it? Sir, it is obvious that neither reason nor moral right require actual presence at the overt act to constitute the crime of treason. Put this case to any common man, whether the absence of a corrupter should exempt him from punishment for the crime which he has excited his deluded agents to commit, and he will instantly tell you that he deserves infinitely more severe punishment than his misguided instruments. There is a moral sense, much more unerring, in questions of this sort, than the frigid deductions of jurists

or philosophers; and no man of a sound mind and heart can doubt for a moment between the comparative guilt of Aaron Burr (the prime mover of the whole mischief) and of the poor men on Blennerhasset's island, who called themselves Burr's men. In the case of murder, who is the most guilty, the ignorant, deluded perpetrator, or the abominable instigator? The decision of the Supreme Court, sir, is so far from being impracticable on the ground of reason and moral right, that it is supported by their most obvious and palpable dictates. Give to the Constitution the construction contended for on the other side, and you might as well expunge the crime from your criminal code; nay, you had better do it, for by this construction you hold out the lure of impunity to the most dangerous men in the community, men of ambition and talents, while you loose the vengeance of the law on the comparatively innocent. If treason ought to be repressed, I ask you, who is the most dangerous and the most likely to commit it,—the mere instrument who applies the force, or the daring, aspiring, elevated genius who devises the whole plot, but acts behind the scenes?

"Permit me now to bring Mr. Wickham to England. Sir, the decision of the Supreme Court is equally supported by the law of England.

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"But to gratify them, let us put Coke aside; what will they say to Lord Hale? Did any angry and savage passions agitate his bosom or darken the horizon of his understanding on criminal law? O no, sir, no spot ever soiled the holy ermine of his office; mild, patient, benevolent—halcyon peace in his breast, with a mind beaming the effulgence of noon-day, and with a seraph's soul, he sat on the bench like a descended God! Yet that judge has laid down the doctrine for which I contend, in terms as distinct and emphatic as those of Lord Coke. In 1 *Hale*, 214—'But if many conspire to counterfeit, or counsel, or abet it, and one of them doth the fact upon that counselling or conspiracy, it is treason in all, and they may be all indicted for counterfeiting generally, within this statute, for in such case in treason all are principals.'

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"It is true that Judge Tucker has very elaborately discussed this subject, and combated the doctrine that all are principals. I admit the truth of all the encomiums which the counsel for the defendant have pronounced upon that gentleman. He has all the illumination of mind and all the virtues of the heart, which those gentlemen, with the view of enhancing the weight of his authority, have been pleased to ascribe to him. What they have said of him from policy, I can say of him from my heart, for I know it to be true. Yet give me leave, sir, very briefly to examine his argument upon this subject. His object is to prove, that the position, that 'in high treason, all are

principals,' is not law in England. The mode which he adopts to prove his point is this: He collates all the authorities which have supported this doctrine, and tracing it up with patient and laborious perseverance, with the view '*petere fontes*,' he finds the first spring in the reign of Henry VI. That case is reported in the year-book, 1 *Hen.* 6, 5, and is very nearly as stated by Mr. Tucker from Stanford. It is the case of a man, who broke prison and let out traitors. Stanford says it was adjudged petit treason; the year-books merely say that he was drawn and hanged. A sentence in those days, when the notions and punishment of treason (notwithstanding the statute of Edward) remained still unsettled, is no very unequivocal proof that his crime was petit treason.

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"The gentleman next tried the case of Sir Nicholas Throgmorton's sufferings, as they are represented as a Gorgon's head by Judge Tucker, not as an illustration of the law, but by way of exciting our horror against a corrupt judge. We do not rely upon the authority of that case. What can be the motives which the gentleman had in view, in reading this case with a countenance and cadence of such peculiar pathos? Was it to excite our sympathies, under the hope that our apprehensions and feelings when once set afloat might, for the want of some other living object, be graciously transferred to his client?

It was with the same view, I presume, that the gentleman gave us the pathetic and affecting story of lady Lisle, as it is touched by the elegant, chaste and delicate pencil of Hume. It was with the same views, also, that he recited from the same author, the deep, perfidious and bloody horrors of a Kirk and a Jefferies. Sensible that there was nothing in the virtues of his client, or in this cause, to interest us, he borrowed the sufferings and the virtues of a Throgmorton and a lady Lisle, to enlist our affections and set our hearts a bleeding, hoping that our pity thus excited might be transferred and attached to his client. I hope that we feel as much horror at the infernal depravity of Judge Bromley, and the sanguinary and execrable tyranny of Judge Jefferies, as they or any other gentlemen can feel. But these cases do not apply to merciful and immaculate judges. We cannot think it very complimentary or respectful to this court, to adduce such cases. They seem to be held up *in terrorem*, from an apprehension that their authority would be admitted here; but we apprehend no such consequence.

"But he says that since the revolution of 1688, the British decisions have leaned the other way, and go to show that accessorial acts do not make a principal in treason. How is this conclusion obtained? By any adjudged case? No. By any *obiter dictum* of a judge? No. How then does the gentleman support the idea of this change in the English law? He has drawn the reference from the impunity

of those who aided the Pretender, who fought his battles or aided him in his flight. This is a new way of settling legal principles. Sir, this was the mere policy of the house of Hanover. The pretensions of the Stuarts had divided the British nation. Their adherents were many and zealous. Their pretensions were crushed in battle. Two courses were open to the reigning monarch: either by clemency and forbearance, to assuage the animosity of his enemies and brace his throne with the affections of his people; or to pursue his enemies with vengeance, to drive them to desperation; to disgust his friends by needless and wanton cruelty, and to unsettle and float his throne in the blood of his subjects. He chose the former course; and because either from magnanimity or policy, or both, he spared them, he supposes that the law of treason was changed, and that they could not be punished. To prevent this inference, according to the reasoning of the gentleman, it was necessary to have beheaded or hung up every human being who even aided the unfortunate Charles in his flight. Mr. Wickham has mentioned Miss Macdonald; and he would have the monarch to have hazarded the indignation and revolt of a generous people, by seizing that beautiful and romantic enthusiast, Flora Macdonald, and dragging her from her native mountains in the isle of Sky to a prison and to death! The truth is, as we are told by Doctor Johnson in his tour to the Hebrides, that this step, impolitic as it was, nevertheless was hazarded, though but partially. She was carried to London, but, together with M'Cleod who had aided in the same flight, was dismissed on the pretext of the want of evidence. But certainly the forbearance of the house of Hanover to punish under an existing law is no argument of the change of that law."

The argument here runs into a long and minute course of reasoning, and examination of authorities upon the law relating to principals and accessories, from which I forbear to make extracts.

We proceed to other passages of more interest. In one of these the reader will recognize a portion of the speech which has been often quoted for the vivid and felicitous picture it presents of the principal coadjutor in the conspiracy, and its prominent victim—Herman Blennerhasset. To this poetical tribute of the prosecuting counsel, which the newspaper-press of the day made so popular through the country, we may ascribe, in great part, that large amount of public sympathy by which Blennerhasset's participation in the nefarious scheme was palliated and excused.

"I come now, sir, to the gentleman's third point, in which he says he cannot possibly fail. It is this: 'because if the prisoner be a principal in the treason at all, he is a principal in the second degree;

and his guilt being of that kind which is termed derivative, no further parol evidence can be let in to charge him, until we show a record of the conviction of the principals in the first degree.'

"By this I understand the gentleman to advance, in other terms, the common law doctrine, that when a man is rendered a principal in treason, by acts which would make him an accessory in felony, he cannot be tried before the principal in the first degree.

"I understand this to be the doctrine of the common law, as established by all the authorities; but when I concede this point, I insist that it can have no effect in favour of the accused, for two reasons:

"1st. Because it is the mere creature of the common law.

"2dly. Because if the common law of England be our law, this position assumes what is denied, that the conduct of the prisoner in this case is of an accessorial nature or such as would make him an accessory in felony.

"First. Because this position is the mere creature of the common law. If it be so, no consequence can be deduced from it. It is sufficient, on this branch of the subject, to take his own declaration, that the common law does not exist in this country. If we examine the Constitution and the act of Congress, we shall find that this idea of a distinction between principals in the first and second degree depends entirely on the common law. Neither the Constitution nor the act of Congress knows any such distinction. *All* who levy war against the United States, whether present or absent—*all* who are leagued in the conspiracy, whether on the spot of the assemblage or performing some minute and inconsiderable part in it, a thousand miles from the scene of action, incur equally the sentence of the law: they are *all equally* traitors. This scale, therefore, which graduates the guilt of the offenders and establishes the order of their respective trials, if it ever existed here, is completely abrogated by the highest authorities in this country. The Convention which formed the Constitution and defined treason, Congress which legislated on that subject, and the Supreme Judiciary of the country expounding the Constitution and the law, have united in its abrogation. But let us for a moment put the Convention, Congress, and the Judiciary aside, and examine how the case will stand. Still this scale of moral guilt, which Mr. Wickham has given us, *is the creature of the common law*, which as already observed, he himself in another branch of his argument has emphatically told us does not exist in this country. He has stated that the creature presupposes the creator, and that where the creator does not exist, the creature cannot. The common law then being the creator of the rule which Mr. Wickham has given us, and that common law not existing in this country, neither can the rule which is the mere creature of it exist in this country. So that the gentleman has himself furnished the argument, which refutes this infallible point of his, on which he has so much relied. But to try this position to its utmost

extent, let us not only put aside the Constitution and act of Congress and decision of the Supreme Court, but let us admit that the common law does exist here. Still before the principle could apply, it would remain to be proven, that the conduct of the prisoner in this case has been accessorial; or in other words, that his acts in relation to this treason are of such a nature as would make him an accessory in felony.

"But is this the case? It is a mere *petitio principii*. It is denied that his acts are such as would make him an accessory in felony. I have already, in another branch of this subject, endeavoured to show, on the grounds of authority and reason, that a man might be involved in the guilt of treason as a principal, by being *legally*, though not *actually* present; that treason occupied a much wider space than felony; that the scale of proximity between the accessory and the principal must be extended in proportion to the extent of the theatre of the treason; and that, as the prisoner must be considered as legally present, he could not be an accessory, but a principal. If I have succeeded in this, I have in fact proved that his conduct cannot be deemed accessorial. But an error has taken place from considering the scene of the overt act as the theatre of the treason; from mistaking the overt act for the treason itself, and consequently from referring the conduct of the prisoner to the acts on the island. The conduct of Aaron Burr has been considered in relation to the overt act on Blennerhasset's island only; whereas it ought to be considered in connection with the grand design, the deep plot of seizing Orleans, separating the Union, and establishing an independent empire in the west, of which the prisoner was to be the chief. It ought to be recollected that these were his objects, and that the whole western country, from Beaver to Orleans, was the theatre of his treasonable operations. It is by this first reasoning that you are to consider whether he be a principal or an accessory, and not by limiting your inquiries to the circumscribed and narrow spot in the island where the acts charged happened to be performed. Having shown, I think, on the *ground of law*, that the prisoner cannot be considered as an accessory, let me press the inquiry whether, on the ground of *reason*, he be a principal or an accessory: and remember that his project was to seize New Orleans, separate the Union, and erect an independent empire in the west, of which he was to be the chief. This was the destination of the plot and the conclusion of the drama. Will any man say that Blennerhasset was the principal, and Burr but an accessory? Who will believe that Burr, the author and projector of the plot, who raised the forces, who enlisted the men, and who procured the funds for carrying it into execution, was made a cat's-paw of? Will any man believe that Burr, who is a soldier, bold, ardent, restless and aspiring, the great actor whose brain conceived and whose hand brought the plot into operation, that he should sink down into an accessory, and that Blennerhasset should

be elevated into a principal? He would startle at once at the thought. Aaron Burr, the contriver of the whole conspiracy, to everybody concerned in it, was as the sun to the planets which surround him. Did he not bind them in their respective orbits, and give them their light, their heat and their motion? Yet he is to be considered an accessory, and Blennerhasset is to be the principal!

"Let us put the case between Burr and Blennerhasset. Let us compare the two men, and settle this question of precedence between them. It may save a good deal of troublesome ceremony hereafter.

"Who Aaron Burr is, we have seen, in part, already. I will add that, beginning his operations in New York, he associates with him men whose wealth is to supply the necessary funds. Possessed of the mainspring, his personal labour contrives all the machinery. Pervading the continent from New York to New Orleans, he draws into his plan, by every allurement which he can contrive, men of all ranks and descriptions. To youthful ardour he presents danger and glory; to ambition, rank and titles and honours; to avarice, the mines of Mexico. To each person whom he addresses he presents the object adapted to his taste. His recruiting officers are appointed. Men are engaged throughout the continent. Civil life is, indeed, quiet upon its surface, but in its bosom this man has contrived to deposit the materials which, with the slightest touch of his match, produce an explosion to shake the continent. All this his restless ambition has contrived; and in the autumn of 1806, he goes forth, for the last time, to apply this match. On this occasion he meets with Blennerhasset.

"Who is Blennerhasset? A native of Ireland; a man of letters, who fled from the storms of his own country to find quiet in ours. His history shows that war is not the natural element of his mind. If it had been, he never would have exchanged Ireland for America. So far is an army from furnishing the society natural and proper to Mr. Blennerhasset's character, that on his arrival in America, he retired even from the population of the Atlantic states, and sought quiet and solitude in the bosom of our western forests. But he carried with him taste and science and wealth; and lo, the desert smiled! Possessing himself of a beautiful island in the Ohio, he rears upon it a palace, and decorates it with every romantic embellishment of fancy. A shrubbery, that Shenstone might have envied, blooms around him. Music, that might have charmed Calypso and her nymphs, is his. An extensive library spreads its treasures before him. A philosophical apparatus offers to him all the secrets and mysteries of nature. Peace, tranquillity and innocence shed their mingled delights around him. And to crown the enchantment of the scene, a wife, who is said to be lovely even beyond her sex, and graced with every accomplishment that can render it irresistible, had blessed him with her love and made him the father of several children. The evidence would convince you that this is but a faint picture of

the real life. In the midst of all this peace, this innocent simplicity and this tranquillity, this feast of the mind, this pure banquet of the heart, the destroyer comes; he comes to change this paradise into a hell. Yet the flowers do not wither at his approach. No monitory shuddering through the bosom of their unfortunate possessor warns him of the ruin that is coming upon him. A stranger presents himself. Introduced to their civilities by the high rank which he had lately held in his country, he soon finds his way to their hearts by the dignity and elegance of his demeanour, the light and beauty of his conversation, and the seductive and fascinating power of his address. The conquest was not difficult. Innocence is ever simple and credulous. Conscious of no design itself, it suspects none in others. It wears no guard before its breast. Every door and portal and avenue of the heart is thrown open, and all who choose it enter. Such was the state of Eden when the serpent entered its bowers. The prisoner, in a more engaging form, winding himself into the open and unpractised heart of the unfortunate Blennerhasset, found but little difficulty in changing the native character of that heart and the objects of its affection. By degrees he infuses into it the poison of his own ambition. He breathes into it the fire of his own courage; a daring and desperate thirst for glory; an ardour panting for great enterprises, for all the storm and bustle and hurricane of life. In a short time the whole man is changed, and every object of his former delight is relinquished. No more he enjoys the tranquil scene; it has become flat and insipid to his taste. His books are abandoned. His retort and crucible are thrown aside. His shrubbery blooms and breathes its fragrance upon the air in vain; he likes it not. His ear no longer drinks the rich melody of music; it longs for the trumpet's clangour and the cannon's roar. Even the prattle of his babes, once so sweet, no longer affects him; and the angel smile of his wife, which hitherto touched his bosom with ecstasy so unspeakable, is now unseen and unfelt. Greater objects have taken possession of his soul. His imagination has been dazzled by visions of diadems, of stars and garters and titles of nobility. He has been taught to burn with restless emulation at the names of great heroes and conquerors. His enchanted island is destined soon to relapse into a wilderness; and in a few months we find the beautiful and tender partner of his bosom, whom he lately 'permitted not the winds of' summer 'to visit too roughly,' we find her shivering at midnight, on the wintery banks of the Ohio, and mingling her tears with the torrents, that froze as they fell. Yet this unfortunate man, thus deluded from his interest and his happiness, thus seduced from the paths of innocence and peace, thus confounded in the toils that were deliberately spread for him, and overwhelmed by the mastering spirit and genius of another—this man, thus ruined and undone and made to play a subordinate part in this grand drama of guilt and treason,

this man is to be called the principal offender, while *he*, by whom he was thus plunged in misery, is comparatively innocent, a mere accessory! Is this reason? Is it law? Is it humanity? Sir, neither the human heart nor the human understanding will bear a perversion so monstrous and absurd! so shocking to the soul! so revolting to reason! Let Aaron Burr then not shrink from the high destination which he has courted; and having already ruined Blennerhasset in fortune, character and happiness forever, let him not attempt to finish the tragedy by thrusting that ill-fated man between himself and punishment.

"Upon the whole, sir, reason declares Aaron Burr the principal in this crime, and confirms herein the sentence of the law; and the gentleman, in saying that his offence is of a derivative and accessorial nature, begs the question, and draws his conclusions from what, instead of being conceded, is denied. It is clear from what has been said, that Burr did not derive his guilt from the men on the island, but imparted his own guilt to them; that he is not an accessory, but a principal; and therefore, that there is nothing in the objection which demands a record of their conviction, before we shall go on with our proof against him.

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"The question then is, whether, all these things admitted, the assemblage on the island were an overt act of levying war. Here, sir, are we forced most reluctantly to argue to the court, on only a part of the evidence, in presence of the jury, before they have heard the rest of the evidence, which might go a great way to explain or alter its effect. But unpleasant as the question is in this way, we must meet it. What is an open act of levying war? To which we are obliged to answer, that it must be decided by the Constitution and act of Congress.

"Gentlemen on the other side, speaking on this subject, have asked us for battles, bloody battles, hard knocks, the noise of cannon. 'Show us your open acts of war,' they exclaim. Hard knocks, says one, are things we can all feel and understand. Where was the open deed of war, this bloody battle, this bloody war? cries another. No where, gentlemen. There was no bloody battle. There was no bloody war. The energy of a despised and traduced government prevented that tragical consequence. In reply to all this blustering and clamour for blood and havoc, let me ask calmly and temperately, does our Constitution and act of Congress require them? Can treason be committed by nothing short of actual battle? Mr. Wickham, shrinking from a position so bold and indefensible, has said that if there be not *actual* force, there must be at least *potential* force, such as terror and intimidation struck by the treasonable assemblage. We will examine this idea presently. Let us, at this moment, recur to the constitu-

tional definition of treason, or to so much thereof as relates to this case. 'Treason against the United States shall consist only in levying war against them,' not in making war, but in levying it. The whole question then turns on the meaning of that word, *levying*. This word, however, the gentlemen on the other side have artfully dropped: as if conscious of its operation against them, they have entirely omitted to use it.

"We know that ours is a motley language, variegated and enriched by the plunder of many foreign stores. When we derive a word from the Greek, the Latin, or any other foreign language, living or dead, philolologists have always thought it most safe and correct to go to the original language, for the purpose of ascertaining the precise meaning of such word. Levy, we are told by all our lexicographers, is a word of French origin. It is proper, therefore, that we should turn to the dictionary of that language, to ascertain its true and real meaning; and I believe we shall not find that when applied to war, it ever means to fight, as the gentlemen on the other side would have us to believe. Boyer's Dictionary is before me, sir, and I am the more encouraged to appeal to him, because, in the case of Bollman and Swartwout, your Honour, in estimating the import of this very word, thought it not improper to refer to the authority of Dr. Johnson.

"'*Lever*,' the verb active, signifies, according to Boyer, 'to lift, heave, hold or raise up.' Under the verb he has no phrase applicable to our purpose: but under the substantive, *levée*, he has several. I will give you them all.

"*Levée d'un siége*, the raising of a siege. *Levée des fruits*, gathering of fruits, crop, harvest.

"*Levée du parlement Britannique*, the rising or recess of the British Parliament. *Levée (collecte de déniers)* a levy-raising, or gathering.

"*Levée de gens de guerre*, levying, levy, or raising of soldiers. *Faire des levées de soldats*, to levy or raise soldiers.

"So that when applied to fruits or taxes, it means gathering as well as raising. When applied to soldiers it means raising only, not gathering, assembling or even bringing them together, but merely raising. Johnson takes both these meanings, as you mentioned in the case of Bollman and Swartwout; but in the original language, we see that levying, when applied to soldiers, means simply the *raising* them, without any thing further. In military matters, levying and raising, if Boyer may be trusted, are synonymous.

"But to ascertain still more satisfactorily the meaning of this word *levy*, let us look to the source from which we have borrowed the whole definition of treason, the statute of 25 Edward III. The statute is in Norman French, and, in describing the treason of levying war, uses these words; '*Si home leve de guerre, contre nostre seigneur le roy en son royalme.*'

"In a subsequent reign, I mean the factious and turbulent reign of Richard II., when the statute of Edward, although unrepealed, was forgotten, lost and buried under the billows of party rage and vengeance, it became, at length, necessary for parliament to interfere and break in pieces the engine of destructive treason; and in the 21st year of Richard II., a statute was passed, which may be considered as a parliamentary construction of that of Edward III. In that statute, the treason of levying war is thus explained, '*Celuy que levy le peuple et chevache encounter le roy à faire guerre deins son realme.*' Here the French verb, *leve*, is the same as that used in the statute of Edward, with an unimportant orthographic variation; and here it is clearly contradistinguished from the actual war. The *levy* is of *men* and *horses, for the purpose of making war;* and the levy would have been complete, although the purpose had never been executed. I consider, therefore, the statute of Richard, as not only adding another authority to Boyer, to prove that the extent of the French verb *lever*, when applied to soldiers, goes no farther than the raising them; but I consider that statute also as a parliamentary exposition or glossary of the phrase *levy de guerre*, in the statute of Edward.

* * * * * *

"Mr. Lee says, that hard knocks are things we can all feel, yet it is equally true that an assemblage of men is an object we can all see. True it is, as the gentleman says, that cannons and small-arms may be heard; and so may the disclosure of a treasonable plot. At last, the overt act which they require is but an appeal to the human senses; and the overt act which we have proven is equally satisfactory to them. Why do they insist on calling in the sense of feeling to the sense of hearing? He may say, if we were to feel it, that we must also taste and smell it. Mr. Wickham indeed complains, that if you stop him short of actual force, you take away the *locus pœnitentiæ*. I say, if you do not stop short of it, you take away the motive of repentance; for you offer the traitor victory and triumph, and it is not in *their* arms that we are to expect from him repentance. But was there, sir, no opportunity for repentance in this case? We shall prove that the prisoner was for more than a year brooding over this treason. The ruin and desolation that he was about to bring upon this country, must have been often before him. If all love of his country were so far extinguished in his breast, that he could not forbear, if the downfall of liberty and the horrors of civil war gave no pang of remorse to his bosom, why, for his own sake, did he not repent? Why did he not remember Cromwell, and the treason and fate of Cæsar?—Cromwell, as bold and daring as himself; the miserable effects of his successful usurpation; the terrors that haunted and scourged him day and night, and blasted him even amidst the splendour of a palace. Cæsar and Cromwell he did not forget; but he remembered them as objects of competition and rivalship; not to detest and abhor, but to

envy, admire and emulate. Such was the kind of remorse which he felt at the idea of drenching his country in blood, and substituting despotism for liberty; such the very promising disposition and temper for repentance which alone he manifested.

"Mr. Randolph wishes to know how the line can be drawn between enlisting and striking a blow. The answer is obvious: *At the point of the assemblage*, where the courts of England and the highest court in this country have concurred in drawing it. A line strong and plain enough to be seen and known is drawn. Does reason, sir, require that you should wait until the blow be struck? If so, adieu to the law of treason and to the chance of punishment. The aspiring traitor has only to lay his plans, assemble his forces and strike no blow till he be in such power as to defy resistance. He understands the law of treason. He draws a line of demarcation for the purpose of keeping within the boundary of the law. He projects an enterprise of treason. He enlists men. He directs all the operations essential to its success from one end of the continent to the other; but he keeps himself within the pale of the law. He goes on continually acquiring accessions of strength, like a snowball on the side of a mountain, till he becomes too large for resistance, and sweeps every thing before him. He does every thing short of striking a blow. He advances till he gets to New Orleans. He does not hazard the blow till he is completely ready; and when he does strike, it will be absolutely irresistible. Then what becomes of your Constitution, your law of Congress or your courts? He laughs them to scorn. Is this the way to discourage treason? Is it not the best way to excite and promote it? to insure it the most complete success? I conclude, therefore, that reason does not require *force* to constitute treason.

* * * * * *

"This court, then, having itself decided that the question, whether there have been an overt act or not, belongs essentially to the jury, it is strange that the prisoner should persist in pressing it on the court. What does he mean by calling on the court to decide on the fact of levying war? Have you the power, sir? I should like to know where the authority can be found to prove that you have it. And suppose the court thinks it has this power, and should exert it, what will be the consequences? Will it not take away from the jury their acknowledged right of deciding on facts? But the anxious perseverance of the prisoner in this course certainly implies a reflection, either on the jury or the court; it implies either that the jury will not do him justice, or that the court will do him more than justice. If he believed the jury would do him justice, and wished nothing more, he would be content to leave his case to them. If he believed they would not do him justice, and he therefore tries to force his cause before the court, whether it will or no, I may truly say, that he exhibits a phenomenon unprecedented upon this earth: a man flying from

a jury of his peers to take refuge under the wings of the court! Sir, I can never think so ill of my countrymen as to believe that innocence need fly from them; nor will my respect for the court permit me, for a moment, to apprehend that it will invade the peculiar and acknowledged province of the jury. This court well knows that my respect for its members, as private gentlemen and officially, is too great to apprehend that remarks of a general nature will be applied to them. But if, at this period, when the bench is so distinguished by intellectual power and superior illumination, a precedent be set, by which the great fact in trial for life and death shall be wrested from the jury and decided by the bench, what use may not be made of it hereafter? In the fluctuations of party, in the bitterness of rancour and political animosity, the judges may lead juries to one side or the other, as they may think proper. They may dictate as to the existence of an overt act, and thus decide the fate of a prisoner. If a judge sitting on the bench shall decide on facts as well as law in a prosecution for treason, he may sacrifice or rescue whom he pleases. If he be a *political* partisan, he may save his friends from merited punishment, or blast his foes unjustly. If judges in future times, not having the feelings of humanity and patriotism which they have in these days, but animated by the zeal and factious spirit of party, to promote the views of party, shall have the power now proposed to be exercised, what will be the posture and fate of this country then? If you establish this precedent, some tyrant *Bromley* or some ruffian *Jefferies* may mount the bench. Can the soul look forward without horror to the dark and bloody deeds which he might perpetrate, armed with such a precedent as you are now called on to set? But you will not set it, sir. You will not bring your country to see an hour so fearful and perilous as that which shall witness the ruin of the trial by jury. I shudder to reflect what might be the consequences of such an hour. You will cast your eyes into futurity, and, foreseeing the calamities that must result from so dangerous an example, will avoid it. You will be satisfied that neither reason nor the laws of England or of this country support the doctrine, that you have the power to prevent this jury from proceeding in their inquiry, merely because your mind is satisfied that the overt act is not proved.

"All the distinctions which Mr. Wickham and Mr. Randolph have taken, have gone on the dangers of constructive treason. All their apprehensions on this subject seem to me to be perfectly visionary. They appear to result from this mistake:—they look at the dangers of constructive treason under the common law, anterior to the statute of Edward. They look into the terrors expressed by Hale, when he enumerates the many various kinds of treason, before that statute limited the number. The meaning of constructive treason is generally misconceived. It is well explained in 1 *East's Crown Law*, *p.* 72: '*Constructive Levying of War* is in truth more directed against the

government than the *person* of the king, though, in legal construction, it is a levying of war against the king himself. This is when an insurrection is raised to reform some national grievance, to alter the established laws or religion, to punish magistrates, to introduce innovations of a public concern, to obstruct the execution of some general law by an armed force, *or for any other purpose which usurps the government in matters of a public and general concern.*' It is therefore true, as laid down by Mr. Rawle in *Fries's trial*, *p.* 161, 'that what in England is called *constructive levying of war*, in this country must be called direct levying of war.' Although this seems not to be assented to by Judge Tucker, (*4th Tucker's Blackstone, Appendix*, 13, 14,) possibly because he did not examine that point as thoroughly as he did the doctrine of treason generally.

"Before that statute passed, the dangers resulting from arbitrary constructions of treason were great and grievous, and the complaints against them as vehement as they were just. Levying war in England against the king or his government, the '*crimen læsæ majestatis*,' consists of direct and express levying of war against the king's *natural* person; constructive, levying it against his government or his authority in his *political* person. In America, the crime is defined in the Constitution. It consists in levying war against the United States. In England, it consists in an opposition to the king's authority or prerogative. Here it is against the Constitution and government. In England, when it is intended against the life of the prince, it may consist in mere imagination, in the mere design or intent of the mind. But in this country the offence is against the government, the *political* person only; and it is *actual* war. As it is against the government, not against a natural person, it may be said to be constructive. But constructive interpretations of treason, which produced so much terror and alarm formerly in England, and against the abuses of which gentlemen have declaimed so pathetically, cannot take place in this country. They are expressly excluded by the Constitution. Upon the whole, I contend, that the meeting on Blennerhasset's island, the intention of which is proven to be traitorous, was an act of treason; that the assemblage, with such intention, was sufficient for that purpose. And if it were not sufficient, this court cannot stop the proceedings. The jury must proceed with the inquiry.

"I have finished what I had to say. I beg pardon for consuming the time of the court so long. I thank it for its patient and polite attention. I am too much exhausted to recapitulate, and to such a court as this is, I am sure it is unnecessary."

This is an exhibition of some of the most prominent passages, of a speech which fills seventy pages of an octavo volume, and which occupied several hours in the delivery. I have excluded from these

extracts a large portion of the argument, which, dealing principally in minute discriminations of technical law, and in the analysis of legal decisions, could scarcely be expected to interest the general reader, and which would be still less satisfactory to members of the legal profession who have familiar access to the full report of the trial.

It may be remarked of this speech, that having been made at a time when the speaker was yet in the vigour of youthful manhood, and somewhat noted for the vivacity of his imagination and the warmth of his feelings, he may be supposed to have made this effort at disadvantage, under the restraints necessarily imposed upon him by the nature of the subject and the forum to which he spoke. It was an argument upon mere questions of law, sufficiently abstruse and technical in their nature to forbid any very free excursion of the fancy, and to defy the attractions of declamation. The orator, addressing himself to the most severe and disciplined mind in the judiciary of the nation, doubtless felt his inclination constantly rebuked by the presence in which he stood. He could not lose the consciousness of an ever-present constraint imposed upon him by the place, and the subject, both exacting logical precision and compact legal deduction. We cannot but remark, in the perusal of the speech, how apparent is the inclination of the speaker to escape from this thraldom, and to recreate his mind in the more congenial fields of rhetorical display; and how obviously he has felt the exigency of the argument, like a stone tied to the wings of his fancy, to bring him quickly back, on every flight, to the labour of his task. At that period in the life of William Wirt, his forensic fame was much more connected with his efforts before a jury, than in discussions addressed to the bench; and we cannot help feeling some regret, while speculating upon the peculiar power of the advocate and looking alone to our own satisfaction, that this celebrated and important trial had not offered him an occasion to argue the questions of fact with which it abounded, as well as the points of law to which we have adverted.

The description of the abode of Blennerhasset, which furnished a legitimate opportunity to the indulgence of Mr. Wirt's peculiar vein of eloquence in this trial, seems to have inspired one of the witnesses with the same fervour of poetical rapture in giving a sketch of this woodland paradise.

A most estimable gentleman, who is yet alive to recall to memory the scenes which so attracted his youthful fancy,—Mr. Charles Fenton Mercer,—had visited the island, upon the invitation of its proprietor, just at the time when the conspiracy was said to be nearest its point of explosion. As he had seen nothing on this visit calculated to awaken his alarm for the peace of the country, his testimony was introduced into the trial for the misdemeanor, which immediately followed the acquittal on the charge of treason. This testimony was recorded in a written deposition, a few extracts from which will gratify the reader, by enabling him to compare Mr. Wirt's glowing picture with the actual impression which the scene made upon Mr. Mercer.

——"On Saturday evening, the sixth day of December, this deponent arrived, in the course of his journey home, at the shore of Ohio, opposite to the island of Mr. Blennerhasset; and having first learned, with some surprise, that Mr. Blennerhasset was yet on the island, crossed over to his house in a violent storm of wind and rain. That evening and the following day he spent at the most elegant seat in Virginia, in the society of Mr. Blennerhasset and his lovely and accomplished lady.

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"This deponent having expressed a desire to become the purchaser of Mr. Blennerhasset's farm, he had the goodness to show him the plan and arrangements of his house. Every room in it was opened to his inspection. As he walked through its different apartments, the proprietor frequently apologized for the confusion into which his furniture was thrown by his preparations for leaving it; and observed that the greater part of his furniture, his musical instruments, and his library, containing several thousand volumes of books, were packed up for his immediate removal.

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"Mr. Blennerhasset having intended, before deponent reached his house, to visit Marietta on Sunday evening, the deponent availed himself of a double motive to quit this attractive spot. He did not leave it, however, without regretting that the engagement of its proprietor, and his own dreary journey, but just begun in the commencement of

winter, forbade him to prolong a visit which, although so transient, had afforded him so much pleasure. * * *

All that he had seen, heard or felt, corresponded so little with the criminal designs imputed to Mr. Blennerhasset, that if he could have visited him with unfavourable sentiments, they would have vanished before the light of a species of evidence which, if not reducible to the strict rules of legal testimony, has, nevertheless, a potent influence over all sensitive hearts, and which, though it possess not the formal sanction, has often more truth than oaths or affirmations. What! will a man who, weary of the agitations of the world, of its noise and vanity, has unambitiously retired to a solitary island in the heart of a desert, and created there a terrestrial paradise, the very flowers and shrubs and vines of which he has planted, nurtured and reared with his own hands; a man whose soul is accustomed to toil in the depths of science, and to repose beneath the bowers of literature; whose ear is formed to the harmony of sound, and whose touch and breath daily awaken it from a variety of melodious instruments;—will such a man start up, in the decline of life, from the pleasing dream of seven years' slumber, to carry fire and sword to the peaceful habitations of men who have never done him wrong? Are his musical instruments and his library to be the equipage of a camp? Will he expose a lovely and accomplished woman and two little children, to whom he seems so tenderly attached, to the guilt of treason and the horrors of war? A treason so desperate—a war so unequal! Were not all his preparations better adapted to the innocent and useful purpose which he avowed, rather than to the criminal and hazardous enterprise which was imputed to him? * * * Such were the sentiments with which the deponent left the island of Mr. Blennerhasset."

The reader will smile at this rapture of enthusiasm in an affidavit, and weigh, with many grains of allowance, the warm-hearted friendship of a young votary fascinated by the attractions of this Eden in the wilderness; but no one will smile more good-naturedly at it than the worthy author of it himself, who has lived long enough to repress the fervours of his imagination, though not to quench the generous and benevolent instincts of his heart.

A few more brief references to these trials, and we shall dismiss the subject.

These relate to minor incidents which transpired in the course of the long examinations of testimony, and are only noticed to show the temper in which the parties stood to each other, and to some of the more prominent witnesses.

General Wilkinson is under examination:

"MR. BOTTS, (speaking to the witness.)—When you are about to show a paper, you will please submit it to our inspection.

"GENERAL WILKINSON.—I shall be governed by the Judge in that respect."

"MR. BOTTS.—Then we shall request the Judge to govern you in that respect.

Major Bruff was called to the stand—

"MR. WICKHAM argued that the testimony of Major Bruff was admissible to show an inconsistency in that of General Wilkinson.

"GENERAL WILKINSON.—May I be permitted to make one observation? I am not in the smallest degree surprised at the language which has, upon this and several other occasions, been used by the counsel of Col. Burr—men who are hired to misrepresent.

"MR. WICKHAM.—I will not submit to such language from any man in court.

"THE CHIEF JUSTICE declared the style of General Wilkinson to be improper, and that he had heard too much of such language in court.

"General Wilkinson apologized."

Silas Dinsmore is questioned—he says:

"General Wilkinson condescended to ask my opinion, having previously made a full disclosure of the dangers apprehended, and of the measures which he had adopted. I did give my advice in favour of seizing every man whom he found opposed to his measures. This was after a development of the state of affairs by General Wilkinson.

"MR. MARTIN.—And that not to be depended upon.

"MR. WIRT.—That will be a subject of discussion hereafter.

"MR. MARTIN.—I know that.

"MR. WIRT, (in a low tone of voice to Mr. M.)—*You know a good deal of these things.*"

The following is in a pleasanter key, and to those who intimately knew Mr. Wirt, and remember that constant tendency to playfulness,

which seemed to break forth even in his gravest moments, and out of the bosom of his deepest study, it will bring him vividly to mind. His friends will recall the musical voice and the quiet humour that, like a ray of mellow sunshine, lit up his eye, when an occasion for a laugh might be found in the course of a trial.

A fifer, by the name of Gates, was under cross-examination. Some boats had been seized near Marietta. Gates was a militia-man on duty against the conspirators, and saw the seizure of the boats.

"MR. WIRT.—As far as I understand you, you were called on to attack the boats?

"*Answer.*—Yes.

"MR. WIRT.—And you were called on to carry a musket?

"*Answer.*—Yes.

"MR. WIRT.—And you were unwilling to do it?

"*Answer.*—Yes.

"MR. WIRT.—That is, you were willing to whistle, and not to fight?

"*Answer.*—Yes."

CHAPTER XV.

1807.

PUBLIC AGITATION.—THE AFFAIR OF THE LEOPARD AND CHESAPEAKE.—EXPECTATION OF WAR.—FOURTH OF JULY.—LETTER TO JUDGE TUCKER.—WIRT PROJECTS THE RAISING OF A LEGION.—CORRESPONDENCE WITH CARR IN REGARD TO IT.—THE PROJECT MEETS OPPOSITION.—FINALLY ABANDONED.—WAR ARRESTED.—THE EMBARGO.

THE country was agitated, in 1807, by other events of higher political import than Burr's conspiracy.

A sentiment of hostility against England, provoked by her invasion of the neutral rights of American commerce with the continent of Europe, in the right of search, as it was then asserted, and by the

impressment of American seamen under the flag of the United States, had been growing, for some few years, to such a predominance in the breast of the nation, as to render war a probable result, and a subject of popular comment. The failure of Messrs. Monroe and Pinkney to adjust these questions, and the refusal of Mr. Jefferson even to submit to the Senate the unsatisfactory treaty they had negotiated, contributed to increase the probability of a resort to arms.

The outrage perpetrated, at this juncture, upon the national flag, in the aggression of the Leopard upon the Chesapeake, was, in itself, an insult of such flagrant enormity, as to rouse the universal indignation of the people to a demand for instant reparation. All previous topics of quarrel were merged in this; and nothing but the prompt and vigorous measures taken by Mr. Jefferson, at the moment, restrained the country from an immediate declaration of war.

It was on the 22d of June, when the Chesapeake frigate, standing out to sea from Norfolk, passed a British squadron at anchor in Lynnhaven bay. The Leopard, a frigate of fifty guns, belonging to the squadron, followed her, and overhauled her within a few miles of Cape Henry. Here a boat was sent with an officer and several men to demand of Captain Barron the surrender of three men, who were said to be aboard the Chesapeake, and who were claimed as native British subjects. Captain Barron's reply was, that he knew of no persons of that description amongst his crew. Upon receiving this answer, the British frigate still kept in pursuit of the Chesapeake,—fired, first, one gun, and then a broadside into her, which killed and wounded several men, besides doing some damage to the spars and rigging of the ship. The Chesapeake, being totally unprepared for an encounter which she had no reason to expect, was obliged to strike her flag, and to submit to the impressment and abduction of four of her crew.* The consequences which followed this event, gave a stirring interest to the time.

* This unfortunate and mortifying incident has been the subject of too much comment to render it necessary to say more of it here; but, in justice to those who were censured for the event, it is proper to add that at the moment of this attack, the Chesapeake was in a condition which totally disabled her from resistance. She had been but a few hours out of port, and had sailed with her decks lumbered with great quantities of stores unstowed, which were yet in this condition. This disorder, and want of organization in her crew, placed her entirely at the disposal of her enemy.

The President issued a proclamation ordering off the British squadron, and interdicting the waters of the United States to all British armed vessels. Detachments of militia were ordered to Norfolk, to protect that point against a threatened attack. A government vessel was despatched to London, bearing instructions to our minister there to demand the satisfaction and security which the recent outrage rendered necessary. Every thing was done which the crisis required.

This reference to the history of a grave national event may, perhaps, appear too stately an introduction to the comparatively trivial concern which a private citizen of that day had in the general ferment which it produced. In the humble sphere of individual participation, however, we may often read an authentic exposition of national sentiment, and find the temper and spirit of the times illustrated quite as forcibly as in a narrative of a higher cast; — indeed, even more forcibly, and with more graphic effect.

Richmond became a theatre of great agitation. Those martial fires, which slumber in the breast of every community, and which are so quickly kindled into flame by the breeze of stirring public events, now blazed, with especial ardour, amongst the youthful and venturous spirits of Virginia. Over the whole state, as, indeed, over the whole country, that combative principle which lies at the heart of all chivalry, began to develope itself in every form in which national sensibility is generally exhibited. The people held meetings, passed fiery resolutions, ate indignant dinners, drank belligerent toasts, and uttered threatening sentiments. Old armories were ransacked, old weapons of war were burnished anew, military companies were formed, regimentals were discussed, the drum and fife and martial bands of music woke the morning and evening echoes of town and country; and the whole land was filled with the din, the clamour, the glitter, the array of serried hosts, which sprang up, like plants of a night, out of the bosom of a peaceful nation. The pruning-hook was, all of a sudden, converted into a spear. Patriotism found a vent in eloquence; indolence an unwonted stimulus in the exciting appeals of the day, and the monotony of ordinary life a happy relief in the new duties which sprang out of the combination of citizen and soldier.

Many are now living who remember this fervour. Twenty-five

years had rolled over the Revolution. The generation which grew to manhood in this interval, were educated in all the reminiscences of the war of Seventy-six, which, fresh in the narratives of every fire-side, inflamed the imagination of the young with its thousand marvels of soldier-like adventure. These were told with the amplification and the unction characteristic of the veteran, and were heard by his youthful listener, with many a secret sigh, that such days of heroic hazards were not to return for him. The present generation is but faintly impressed with that worship of the Revolution which, before the war of 1812, gave a poetical character to its memories, and made it so joyful a subject for the imagination of those who lived to hear these fresh echoes of its glory.

Now, in 1807, whilst these emotions still swayed the breast of the sons of those who had won the independence of the nation, the same enemy was about to confront them. The day that many had dreamed of was about to arrive; and many a secret aspiration was breathed for a field to realize its hopes. To this sentiment we may attribute, in part, that quick rising of the people in 1807, which, but for the timely settlement of the difficulty, would, in a few months, have converted the whole country into a camp.

Foremost amongst the enthusiasts of this day was William Wirt. We shall find him, very soon, absorbed in a scheme to raise a legion. He was to be at the head of four regiments of State troops, with a chosen corps of officers and men, whom, he did not doubt, were destined to become conspicuous in annals dedicated to posterity. For the present, we shall find him slaking his ardour in a song.

The Fourth of July was to be celebrated in the neighbourhood of Richmond. Such an occasion, of course, no one could expect to pass without a full freight of those engrossing sentiments which were peculiarly inspired by the great topic, now first in the universal mind. Judge Tucker was a poet as well as a kindred spirit. He had witnessed the Revolution at an age capable of observation, and was still deeply imbued with all its passion. I find this letter:

TO JUDGE TUCKER.

RICHMOND, July 2, 1807.

MY DEAR SIR:

How is your muse? If in mounting mood, how would you gratify me, and enable me to gratify others, on Saturday, by a song on the day, embracing the late *gallant exploit* of the Leopard! Come, I know you can easily dash off such a piece. It would be no more than one of the ordinary overflowings of your spirit versified; and rhyme, McPherson says, is merely a mechanical business, to which, when a man has served an apprenticeship, there is no more labour of invention about it than Mr. Didgbury exercises in making a pair of pumps.

Our excursion, to-morrow morning, to the point of the beautiful hill which overhangs the Market valley, would fill you with the conception. All the rest is mere *manipulation.*

I could learn the song on Saturday morning. If you come into this idea, as I suppose the metre is a mere matter of moonshine to you, I would propose *that* in which the Death of Montgomery, and the Battle of Trenton, are written. Lest you should not recollect these, I will give you the only verse of the latter that I remember. Here it is:

"Our object was the Hessian band,
That dar'd to invade fair freedom's land
And quarter in that place.
Great Washington *he* led us on,
With ensigns streaming with renown,
Which ne'er had known disgrace."

By-the-bye, it is the metre of "The Mason's Daughter," which I am sure you know. Let me hear whether you will do this thing—yea or nay?

Will you let me have a copy of your song in honour of Washington? I heard it but once. I think it goes to the tune of "The Death of Wolfe." It describes Liberty as taking her flight from the shores of Albion, and lighting here. You will know, by this, which I mean.

Very sincerely,
Your friend and obed't servant,
WM. WIRT.

The answer is given by the Judge in the following memorandum, endorsed in his own handwriting, upon the outer page of this letter.

"July 2, 1807. I called on Mr. Wirt this morning, and found this letter upon his table. He said 'there is a letter for you.' I had in my pocket the lines written for the fourth of this month, which I intended for him, without any previous communication between us, and gave them to him."

The lines furnished on this occasion breathe that spirit of bitter remembrance of the Revolutionary war, to which I have alluded, heightened into still warmer exacerbation, by the audacity of the recent aggression upon the Chesapeake. Happily, these feuds are now forgotten in the tranquillity engendered by that sentiment of mutual respect and appreciation of national and individual worth, which, we trust, will long distinguish the intercourse between the two countries. At the date of the events above referred to, the joy of the nation in the triumph of the war of Independence, had lost nothing of its sternness; whilst, on the other side, the sting of wounded pride had not yet been assuaged by time.*

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* Not to open an old wound, but to preserve a memorial of the times and of the spirit of defiance, which was universally returned from this country to its proudest and most powerful enemy, I present my reader a copy of Judge Tucker's verses, which were sung, at the celebration alluded to in the text, by a voice noted for its melody.

"Tyrant! again we hear thy hostile voice,
Again, upon our coasts, thy cannon's roar,
Again, for peace, thou leavest us no choice,
Again, we hurl defiance from our shore.

Hast thou forgot the day when Warren bled,
Whilst hecatombs around were sacrificed?
Hast thou forgot thy legions captive led,
Thy navies blasted by a foe despised?

Or think'st thou, we've forgot our brothers slain,
Our aged fathers weltering in their gore?
Our widowed mothers on their knees, in vain,
Their violated daughters' fate deplore?

Our friends, in prison-ships and dungeons chained,
To summer's suns and winter's frost exposed;
Insulted, starved, amidst disease detained,
Till death the fatal scene of horrors closed!

Our towns in ashes laid, our fields on fire,
Our wives and children flying from the foe!
Ourselves in battle ready to expire,
Yet struggling still to strike another blow!

Know then, this day recalls to us the whole:
And hear our solemn and determined voice;
In vain, proud tyrant, shall thy thunders roll,
Since, once more, death or victory 's our choice."

A short note to Carr explains the progress of the war fever. Mr. Cabell was, at this time, Governor of the state. The note refers to proceedings in his Council.

RICHMOND, July 2, 1807.

DEAR CARR:

* * We are on tiptoe for war. I write this in the antechamber, where we are waiting the final resolve of the Council, on detaching a portion of us to support our brethren at Norfolk. When more composed, I will write to you at large.

The prospect of war had now filled Wirt's imagination with dreams of military life. His correspondence is fraught with schemes of martial life. His views of public affairs, as communicated in some of these letters, will probably amuse the reader of the present day, by their exhibition of the feelings of the time, and the extravagant expectations which the ferment of the public mind then suggested.

From 1807, until the event actually occurred in 1812, the martial temper of the country was kept in an excitement, which was much more likely to terminate in war than conciliation. Wirt had, previous to this period, held the commission of a major in a militia regiment. At the last session of the Legislature, he had been put in nomination for the post of a Brigadier-General, and had only lost the election by a few votes.

The affair of the Chesapeake had led him to expect military service in the field; and he now, consequently, turned his thoughts towards an effective employment in a war which he considered inevitable. To this end, he set himself about the organization of a plan to raise the Legion to which I have already adverted. In the several letters which I have on this subject, I find him totally engrossed with the project, and pursuing it with an earnestness, which shows how much his mind was captivated with the fancy of military glory. I select a few of these letters, with a view to a rapid sketch of this passage in his personal history. They contain details of the plan of the Legion, and an announcement of what was expected to be achieved, which now, after the experience of the country towards the realization of these fancies of 1807, will be read with curious interest, and, perhaps, be valued for the comment they suggest for our instruction, when we find occasion to contrast the promises of the day, with the performances of the future.

TO DABNEY CARR.

RICHMOND, July 19, 1807.

MY DEAR FRIEND:

I promised that you should hear from me again, and more at length than when I wrote by Stanard. I sit down now to comply with that engagement.

* * * * * *

On receiving the President's proclamation officially, the British ships in Hampton Roads weighed anchor, the Commodore saying that he had previously determined to change his anchorage, and that he was the master of his own movements. They sailed out of the capes. Richard H. Lee was sent by Mathews, to carry to Douglass, despatches from Erskine, and from the British Consul at Norfolk. When he approached them he was hailed, and asked if he did not know that all intercourse between the main and the squadron was prohibited? He said he did; but that he bore important communications, which rendered it proper that he should come on board. He was then admitted on deck, delivered his despatches, and the Commodore asked him into the cabin, where the other British officers were immediately assembled. After they had read the despatches, they began to interrogate him thus; "Well, sir, is the *mob* down in Norfolk, or is it still up?" "Has the *mob* assassinated the British Consul yet?" "What are we to make of this Mathews—at one moment he is a general, at the next, the chairman of a *mob?*" Lee tried to discourage this conversation, but it only provoked them to greater rudeness.

Two of the British ships have since put out to sea. The other two still remain off the capes.

The Executive has recalled the companies of infantry which marched from this place and Petersburg. The two troops of horse from these places will remain with Mathews, for the purpose of scouring the coast, and repelling any attempt to land.

I was here when the companies from this place marched, and was in Williamsburg, when the company of horse marched thence to Norfolk. It had not, indeed, all of the glorious "pride, pomp and circumstance,"—but it *smacked* "of war." The companies were uniformed, their arms newly burnished. They had an elegant stand of colours, and a most delightfully animating band of music. Accompanied by an escort of the militia of Richmond, and the company of artillery, marching in files, they traversed the main street through almost its whole length. All this would have been merely a Fourth of July parade; but what gave it the tragic face of war was, that every window, from the ground to the third and fourth story, was filled with weeping females.

Do you think that these people will do us the justice they ought?

The exasperated spirit of this nation will not be satisfied with a ministerial disavowal; nor with an English farce of a trial of Berkeley and Humphreys, a complimentary return of their swords, and higher promotion.

Even if they were to convict and execute Berkeley or Humphreys, or both,—I confess, for my own part, that I should be very dubious whether they were not giving us the second part of the tragedy of poor Byng, so firmly am I persuaded that this atrocious outrage flowed from the Cabinet.

According to my notion of things, if the ministry disavow the outrage, the offenders should be given up to be tried in this country. I see this right disclaimed by a northern press, (perhaps a republican one) and, I think, very improperly. The paper disclaims it, because the violence was not committed within our jurisdiction; but if it be true, that the violence done to the Chesapeake was out of our territorial line, yet the Chesapeake, herself, wherever she was, being a national ship, was part of our territory; and this, I think, is not the less true, because it was demonstrated, perhaps, by John Marshall, in the case of Jonathan Robbins. If it be true at all, the offenders ought to be tried in this country, on the principles of national, as well as common law. If tried here, Berkeley and Humphreys will have it in their power to show whether they acted by the orders of their masters. If they did, they ought to be acquitted, and their masters punished. If they did not, they would themselves be certainly punished. Neither of which events would happen, if tried in England.

I think nothing less ought to, or will satisfy the people of this country, than the surrender of Berkeley and Humphreys for trial. And as I believe that British arrogance will never condescend to this act of justice, I believe war to be inevitable.

In this event, I presume that our profession will be of but little importance to us.

If so, what will you do with yourself? Not sit idly at home, I presume. For my part, I am resolved. I shall yield back my wife to her father, *pro tempore*, to which the old gentleman has agreed, and I shall march.

Now, Sir: "Shut the door,"—what follows is in the strictest confidence of friendship, never to be hinted to a living soul, unless you come into it, and it takes effect. There are some "choice spirits," (a phrase which I am sorry that Burr has polluted,) who have agreed to raise four volunteer regiments, to be formed into a brigade. We begin with four colonels,—who are nominated, and of whom you are proposed to be one.—These colonels to nominate their majors and captains, to be approved of by all the colonels. The object is to make the selection as distinguished for talent, spirit and character as possible: to have no officer merely because his heart is good; nor merely because his understanding is good; but to have, in him, a

union, as perfect as possible, of understanding, heart, *good temper*, and morals. It is to be explicitly understood, that no man is to be admitted, even into the ranks, unless his morals are good. Thus organized, what a brigade!

It is proposed to make an offer of these four regiments to the President, under the act of Congress which authorizes him to accept of the service of volunteers. By that act, the volunteer officers are to be commissioned by their respective states. This, there is no doubt, the Executive Council of the state will do, so far as the commissions of colonel; they have no power to appoint a brigadier-general. But there is as little doubt that the Legislature will confer that office on the colonel who holds the first commission. The colonels proposed, are—A. Stuart, a member of the Council, who, notwithstanding his deficiency in the graces, has, you know, as sound a judgment, and as ardent a heart as ever did honour to humanity—John Clarke, the Superintendent of the Manufactory of Arms, one of the first geniuses and best men of the state—yourself and myself. They have done me the honour to insist that I shall take the first commission. We are not to leave our homes until called into actual service by the President.

You will let me hear from you, if possible, by the return of mail, as Stuart is going on next Monday to Annapolis, on business, and is willing to take the Federal City on his way, to commune with the President.

If you accord, authorize me, by letter, to sign your name to the association.

Any thing else, after this, will be flat—*so no more*, but, with love to Mrs. C. and your brothers,

Adieu, your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, July 28, 1807.

Your expected favour, by the last mail, was every thing I could wish. Stuart had gone to Hanover Court, on his way to Washington; he was not, therefore, here, to consult on the subject of *suffering you* to exchange the rank of fourth colonel for that of first major, in the first regiment.

I read your letter to Clarke: he was so much enraptured with your sentiments, that he swore the exchange should not take place by his consent. I, therefore, signed your name to a letter which I had written to the President, containing our joint proposal, and despatched it to Stuart, at Hanover, by the mail of last evening.

If the President shall be at Washington when the letter gets there, it will be presented: otherwise, I have requested Stuart not to leave

it; stating to him, that you appear to entertain serious doubts of your ability to raise a regiment; that you propose Nelson, and state your willingness to accept a *majority* in my regiment: that, for your sake, I could wish that this point might be considered by us on his return: that, in the meantime, I should authorize you, if your apprehensions still continued, to sound Nelson, distantly and delicately, and ascertain, with certainty, whether he would take the rank of fourth colonel in the brigade, without any shadow of *repining* at his station.

The arrangement which we have made must not be broken, and I am apprehensive, that Nelson, although he might *consent* to join, would entertain a secret wish that the arrangement had given him a higher position. Now, in order to give to the brigade that unity of spirit and motion, which are indispensable to its energy as well as harmony, it is necessary that every man should be not only *contented*, but *pleased* with his peculiar station. One discontented and perturbed spirit, especially in a high command, would not only mar our happiness, but endanger the powerful effect which we hope and expect. If, therefore, you shall retain your apprehensions as to raising a regiment, after what I shall presently say, you can, if you please, feel N.'s pulse, to ascertain whether he would, *with all his soul*, come into it, and take the station proposed to him in a brigade, to be organised on the principles of ours.

You will understand that this sounding is predicated upon the supposition that the President shall have left Washington before Stuart gets there; for if Stuart finds him there, you are committed.

In the event of Nelson's being taken in as colonel, you will be my first major; and, when I take the command of the brigade, you will, of course, take the head of my regiment, which is the first regiment.

But now, as to the practicability of forming a regiment, that will depend less on the personal popularity of the colonel, than of his subalterns. You will, for example, appoint your majors and captains, with the approbation of your brother colonels. In making these appointments, you will have the range of the state; you will appoint one major in one part of the state, another, in another: diffuse the appointment of captains as widely as possible, so as to increase the chances of a rapid formation of your regiment; these captains will appoint their subalterns; and on the captain and his inferior officers, will depend the success of enlistments. That you, as the colonel, are a man of talents, honour, education, good breeding, courage and humanity, will be information enough to the soldiers.

Besides, sir, as soon as we are commissioned, I mean to have two or three hundred hand-bills struck, explanatory of the principles on which our brigade will be constructed; and *painting it in perspective as brilliantly as my paint-box and brushes can do it;* these will be circulated, first to the colonels, through them to the majors, and

through them to the captains and subalterns, to be read at every public meeting of courts, musters, &c.

On the efficacy of this address — on the conduct of your majors, captains, &c., dispersed over the state, I think you may securely count for a regiment; more especially, when your own unsullied and respectable name is known to key the arch.

If, after all this, you doubt, and the President should be at Monticello, and you prefer Nelson, if he comes into it *con amore*, he will be excellent.

* * * * * *

The Governor has written to the President in support of our letter —*ca ira.*

Yours,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, August 12, 1807.

MY DEAR CHEVALIER:

* * * * * * *

The act of Congress, of the 24th February last, authorizes a tender of volunteer services to the President by *companies;* and directs him to organize the companies, so tendered, into battalions, regiments and brigades: hence it is thought that commissions to majors and colonels cannot issue, until he shall have received the tender of your companies, and made the requisite organization.

Enclosed you have commissions for the seven captains whom you have named, with a circular letter for each. You will require two more captains, whom you will name by the return of mail; and you will, as early as possible, name the lieutenants and ensigns in each company.

Upon this subject you had better take the opinion of each captain, as they will probably best know the officers qualified for the recruiting service in their respective neighbourhoods. In the meantime, the persons so designated as lieutenants and ensigns, can immediately assist the captains in recruiting; understanding, however, that their commissions will depend on the approbation of the Executive Council of the State. If approved, their commissions will be immediately forwarded.

If either of your captains decline, name another, as soon as possible, in his place, and your brothers here will take care of his commission.

Charge your captains, particularly, to recruit no drunkard and no unprincipled gambler. Let them, as far as possible, recruit only young men, (I mean without families, and under six and thirty—at all events. not over forty) of good size and healthy. It would be

fortunate if each company could be completed in the same neighbourhood, for the convenience of exercising it.

The men will understand that they will not be called from their several neighbourhoods and pursuits, until called out by the President into actual service.

They ought to understand that the war cannot, in the nature of things, be a long one. A single campaign will probably give us Canada and Nova Scotia: so that while an engagement *for the war* will be more honourable, it will probably not be more oppressive than an engagement for twelve months—(and much I fear that the glory of this achievement will be given to the states immediately in the British neighbourhood:—Canada and Nova Scotia taken, little more will remain, unless Great Britain, by conquest, should open another theatre in the South:—this parenthesis is to you.)

* * * * * * *

The substance of our letter to the President will be found in the enclosed circular.

The companies recruited, will furnish themselves with the cheap militia uniform of the state, of which any captain will advise you; and for which, if they are called out into service, they will be paid by the United States.

On the subject of recruiting among other volunteers, you will hear further from us.

The hour of Burr's trial is come. He has exhausted the panel, and elected only four jurors, Ed. Carrington, Hugh Mercer, R. E. Parker, (the Judge's grandson) and Lambert, of this place.

Your brothers greet you,

WM. WIRT.

We have now some signs of miscarriage. Glory has its untoward currents as well as love. The war seems to have been transferred to the newspapers.

TO DABNEY CARR.

RICHMOND, September 1, 1807.

MY DEAR DABNEY:

Sick, as I have been for several days, and harassed by the progress of Burr's affair, I have but a minute to answer your favour by the last mail.

* * * * * * *

We have certainly been deceived, if not in the virtue at least in the understanding of our countrymen. In spite of the repeated efforts which have been made to explain the motives and object of our association, and its non-interference with militia dignities, they

still misapprehend it, or affect to misapprehend it. We are right in principle, and must disregard this "*ardor prava jubentium.*"

Several companies in the lower country are filled up, or nearly so; and I think the wave of prejudice is retiring. A letter of the Governor, in reply to one from a militia-officer making inquiries as to this Legion, will be published to-day, by order of Council, and will, I hope, give the *coup de grace* to this ignorant or vicious opposition.

My sickness, and professional engagements together, have prevented me from giving to this subject, for some time past, that personal attention which I wished.

* * * * * * *

Marshall has stepped in between Burr and death. He has pronounced an opinion that our evidence is all irrelevant, Burr not having been *present* at the island with the assemblage, and the act itself not amounting to levying war.

The jury, thus sent out without evidence, have this day returned a verdict, in substance, of not guilty.

Your friend,

WM. WIRT.

The next letter looks to the conquest of Quebec.

TO DABNEY CARR.

RICHMOND, September 8, 1807.

MY DEAR FRIEND:

* * * * * * *

Mr. Randolph's project is better calculated than ours to go on swimmingly at first. Wait till the election of his officers, and the period of their services is fixed, and you will discover the *discordia semina rerum* which his plan contains. In our plan, no source of delusive hope and consequent disgust and disappointment exists. All who join us will know, with certainty, what they undertake; none but ardent and aspiring spirits will join us, because we go for the war: we shall have no six months soldier whose heart and face will be turned towards home every step that he takes towards Canada, and whose dragging, lengthening chain will be almost too heavy to be borne by him before he gets half-way to Quebec.

I begin to apprehend that there will be no war. The blood of our countrymen has been washed from the decks of the Chesapeake, and we have never learned how to bear malice. Besides, Bonaparte will drub and frighten the British into the appearance, at least, of good humour with us.

I think, however, we had better urge on our brigade till our govern-

ment orders us to ground our arms. The progress we shall make will be so much ground gained in the event of a new explosion.

You will see the opinion by which Marshall stopped the trial for treason. The trial for misdemeanour will begin to-day. It will soon be stopped: then a motion to commit and send on to Kentucky, which will not be heard.

Yours,

WM. WIRT.

From the philosophical tone of our next extract, we infer that the Legion and its hopes had fallen into some danger of extinction from the jealousy entertained against it by the militia of the state. This seems to have been the first event in the life of the writer which gave him a taste of the disappointments to which all ambitious aspirations are exposed, and therefore to have filled his mind with reflections which were not less natural to the occasion than of a character to be frequently repeated in the course of his succeeding years.

TO DABNEY CARR.

RICHMOND, September 14, 1807.

MY DEAR FRIEND:

* * * * *

As to the Legion, it has given me a new view of human nature and of my countrymen; and has, I confess, filled my heart with the most melancholy presages for their future destiny. So easily misled and so easily inflamed, even against their friends, what difficulty will an artful villain ever have in wielding them even to their own ruin?

This is a new incentive to virtue. It is into our own hearts that we are, at last, to look for happiness. It is the only source on which we can count with infallible certainty. These truths, so long preached by philosophers and divines, were never before brought home so strongly to my conviction as by the example of this Legion.

Thank God! we are not without this source of happiness on the present occasion.

But what is to become of the people? what is to become of the republic, since they are thus easily to be duped?

These are subjects which suggest most painful anticipations to me; for it seems that no rectitude, no patriotism of intention, can shield a man even from censure and execration. And the people, who themselves mean to do what is right, are still capable of being so deluded as to think it proper, and even virtuous, to censure and execrate a man for an act, not only flowing from the purest motives, but really well judged for their benefit and happiness.

How hard is it for a republican to admit the truth, that a patriotic and judicious action may, nevertheless, draw down upon its authors the disapprobation, the censure, and even the curses, of the people! That no argument, no appeal to reason and law and right, can save him from the consequences! Yet it is certainly true.

It requires some effort in a man, who receives this conviction from experience, to prevent him from drawing himself into his shell, and caring only about himself. * * * But then, if every virtuous man should take that resolution, the theatre would be given up to villains solely, and we should soon all go to perdition together; and this would not be quite so palatable. So, we must do our duty, and leave the issues to Heaven. If the people curse us, our own hearts will bless us; "if we have troubles at sea, boys, we have pleasures on shore." And, admitting all these alloys, what form of government is there that has not more and worse? So "we bring up the lee-way with a wet sail," as poor Frank Walker used to say.

We are balancing on the point of yielding the legionary scheme, so far as the field-officers are concerned. Consult Nelson, and let me hear what you think of it.

The second prosecution against Burr is at an end; Marshall has again arrested the evidence.

A motion will be made to commit him and his confederates for trial in Kentucky, or wherever else the judge shall, from the whole evidence, believe their crimes to have been committed.

There is no knowing what will become of the motion. I believe it will be defeated:—*sic transit*, &c.

In haste,

Yours affectionately,

WM. WIRT.

The Legion has now become hopeless. It can only be revived by Great Britain;—as we may read in the next letter.

TO DABNEY CARR.

RICHMOND, September 22, 1807.

MY DEAR DABNEY:

I have a moment, only, to acknowledge yours of the 18th inst.

The abandonment of the legionary scheme, which I suggested for your consideration in my last, was proposed by some of our friends in the country; and while we were considering it, I thought it proper that you should consider it too.

It is my own opinion that there would be more dignity, as well as propriety, in our withdrawing. But the majority here urge, with some reason, that we stand committed to the captains who have accepted,

and should infringe the express terms of the contract which we ourselves proposed, by deserting them at this time.

It seems to be the opinion that, under these circumstances, we had better suffer the scheme to die a natural death.

It is not even yet despaired but that the plan may be executed. From Gloucester, Essex, Stafford and Fredericksburg, we have flattering accounts that the storm is subsiding.

It depends, I suspect, on Great Britain, whether the Legion will be ever filled up.

In very great haste, my dear D.,

I am yours *ut semper*,

WM. WIRT.

This is the end of a martial dream. Wirt and Carr were both in their thirty-fifth year; an age when men may be trusted to make good any promise of adventure. They were both very much in earnest in the scheme. The reader will smile at the double current of war and law which runs through these letters; the affairs of the forum in the morning, of the camp in the evening; a twofold engrossment, very taking to the fancy of Wirt. A special session of Congress was called by the President, to commence on the 26th of October. It was supposed that this session would take up the question of the Chesapeake in such a spirit as would lead to a declaration of war. That expectation had already yielded to an opposite conviction, produced by a disavowal of the act of the British commander by his government. The prospect of settling the pending differences by negotiation became almost certain. The result was, that the war was indefinitely postponed. Amongst other consequences of this event, the hopes of the Legion and its proprietor gradually faded away in the somewhat clouded atmosphere of a doubtful peace.

Instead of war, the country had an Embargo.

CHAPTER XVI.

1808.

INCREASING REPUTATION.—MR. JEFFERSON PROPOSES TO HIM TO GO INTO CONGRESS.—HE DECLINES.—DETERMINES TO ADHERE TO HIS PROFESSION.—HE DEFENDS MR. MADISON AGAINST THE PROTEST.—LETTERS OF "ONE OF THE PEOPLE."—UNEXPECTEDLY PUT IN NOMINATION FOR THE LEGISLATURE.—LETTER TO MRS. W. ON THIS EVENT.—HIS REPUGNANCE TO IT.—IS ELECTED.—CORRESPONDENCE WITH MR. MONROE.—LETTERS TO CARR AND EDWARDS.

THE reputation which Wirt acquired by his participation in the trial of Aaron Burr, had a conspicuous effect upon his subsequent career. That trial had summoned to Richmond a great concourse of spectators, amongst whom were many men of the highest distinction in the State of Virginia, and, indeed, in the Union. The court-house was thronged with crowds capable of forming the best judgment upon the merits of the counsel, and of doing full justice to their several ability. The cases were argued with careful preparation and masterly skill. The whole doctrine of treason, both as known to the law of England and as defined in the Constitution of the United States, was fully discussed, and the leading decisions of both countries were analyzed, with an acumen which impresses the reader of the report with the highest respect for the talent enlisted in the cause.

The opinions of those who witnessed the trial, and the impressions made by it upon all who read the proceedings at a distance from the scene, equally tended to elevate the professional standing of the counsel: of neither more than of Mr. Wirt. Indeed, judging from the notoriety which portions of his speech acquired through the public press, we may say that no one of the counsel profited as much by it as he did.

His popularity in Richmond thus greatly enhanced, seems to have

suggested an attempt to bring him into public life. Mr. Jefferson expressed an earnest wish to him on this subject, in which he was seconded by many of his political friends.

The following letter from the President, now approaching the last year of his second term, shows the high estimate he made of Mr. Wirt's qualifications for political service.

WASHINGTON, January 10, 1808.

DEAR SIR:

* * * * * *

I suspected, from your desire to go into the army, that you disliked your profession, notwithstanding that your prospects in it were inferior to none in the State. Still, I knew that no profession is open to stronger antipathies than that of the law. The object of this letter, then, is to propose to you to come into Congress. That is the great commanding theatre of this nation, and the threshold to whatever department of office a man is qualified to enter. With your reputation, talents and correct views, used with the necessary prudence, you will at once be placed at the head of the republican body in the House of Representatives: and after obtaining the standing which a little time will insure you, you may look, at your own will, into the military, the judiciary, diplomatic or other civil departments, with a certainty of being in either whatever you please; and, in the present state of what may be called the eminent talents of our country, you may be assured of being engaged, through life, in the most honourable employments. If you come in at the next election, you will begin your course with a new administration.

* * * * * *

By supporting them, you will lay for yourself a broad foundation in the public confidence, and, indeed, you will become the Colossus of the republican government of your country. I will not say that public life is the line for making a fortune; but it furnishes a decent and honourable support, and places one's children on good grounds for public favour. The family of a beloved father will stand with the public on the most favourable grounds of competition. Had General Washington left children, what would have been denied to them?

Perhaps I ought to apologize for the frankness of this communication. It proceeds from an ardent zeal to see this government (the idol of my soul) continue in good hands, and from a sincere desire to see you whatever you wish to be. To this apology I shall only add my friendly salutations and assurances of sincere esteem and respect.

TH. JEFFERSON.

This very flattering invitation, from one so eminently distinguished

as the writer of it, to a career which we may suppose, at this time, to have been fully open to Mr. Wirt, and which, in itself, is usually regarded as sufficiently attractive to men of talents, was promptly answered by him to whom it was addressed, in a tone of so much prudence, and with such deliberate estimate of the duties he owed to himself and his family, as to present an example of self-denial but seldom witnessed in one who might have found in the invitation so many persuasives to accept it.

Wirt was now in the very meridian of vigorous manhood,—a time of life when the ardour of youthful ambition is not only unabated, but even more confident, by the conscious strength of experience and knowledge of the world.

TO THOMAS JEFFERSON.

RICHMOND, January 14, 1808.

DEAR SIR:

I fear you have forgotten my disposition, since you seem to think your favour of the 10th might require an apology. It is to me obliging and grateful beyond expression. I cannot better deserve your good opinion than by answering your proposition in the same spirit of frankness in which it was made.

My desire to go into the army proceeded from no dislike of my profession. It arose from the impulse which electrified the continent. In acting under it, I overlooked domestic inconveniences which, in this calmer proposal of going into Congress, present themselves with irresistible force. I have a wife and children entirely unprovided for. They subsist on the running profits of my practice. The instant this ceases, they must either starve or be thrown on the charity of their relations. This also would be the effect of my going into the army. But a state of war demands many sacrifices which can never be necessary in a time of peace. The war, too, I supposed could not last more than two or three campaigns—at least upon land; after which I might return to my practice; whereas the political career fixes my destiny for life. In entering it, although I should have the good fortune to reap all the high honours and advantages which your obliging good opinion has suggested, yet old age will come upon me, and find my wife and children as destitute of provision as they are now. I think it my duty to endeavour to guard against this, and, as soon as I can, to place them in a situation in which my death would not beggar them.

It is then that I might enter, with advantage, on public life. I should be better informed and better known; and independence of fortune might save me from those cruel and diabolical insinuations

which I have sometimes seen in the debates of Congress and in the public prints.

The situation of our amiable and beloved countryman, who has just returned from a foreign mission, to meet the most perplexing embarrassments, of a private nature, at home, is an awful lesson on the subject of devoting one's self to his country before he shall have secured an independent retreat for old age: nothing, indeed, can be more endearing than that devotion.

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I may add, that were my fortune other than it is, there is not in life a course on which I would enter with more spirit and ardour than that to which you invite me. The government is most dear to my affections. Its practicability, its energy, its dignity—the protection, prosperity and happiness which it insures, are now demonstrated. And after your retirement, the pure and enlightened man to whom we look as your successor, will, in my opinion, have no equal on the theatre of public life. Yet, notwithstanding this, I am sure that you will approve my motive in adhering to the practice of the law.

I am, dear sir, most respectfully,

Your obedient servant.

WM. WIRT.

Refusing in this firm and respectful manner the alluring offer which was made to him, Wirt, nevertheless, was far from being an unconcerned or inactive spectator of the public events. The time had now arrived when Mr. Jefferson was about to retire from the Presidency, and the nation was deeply interested in the purpose of nominating his successor. The democratic party, of which Mr. Jefferson was the head, had generally directed their attention to the secretary of state, Mr. Madison, as the man most worthy of the eminent trust which was about to be vacated. There were, however, some dissentients in that party, opposed to this nomination. At the head of these was John Randolph, of Roanoke. Certain members of Congress, of whom Mr. Randolph was one, had published a paper which purported to be "A Protest" against the proceedings of a caucus, then recently held by the majority of the republican members of the two houses at Washington, in which Mr. Madison had been nominated as the candidate. This Protest came from a fragment of the republican party itself, and threatened a distinctive division, which might finally lead to the overthrow of the friends of the existing administration. Mr. Madison was the principal object of their attack, and he was arraigned before the

public in terms of great severity. The principal charges brought against him were founded, first, in his report upon the Yazoo claims, "recommending," as the Protest affirmed, "a shameful bargain with the unprincipled speculators of the Yazoo companies;" second, in an alleged "want of energy" of character; and, lastly, in his participation in the authorship of "The Federalist," with Jay and Hamilton.

Such a paper, put forth at this time, was looked upon by the great body of the republicans with deep concern. This party had now been in power eight years. The retirement of Mr. Jefferson presented the first occasion for a struggle to reassert the supremacy of the party which he had overthrown. The public affairs were in a most critical position, hovering between peace and war. Powerful enemies were in arms abroad. Great talent was skilfully combined at home against the administration. But the people were strong in the advocacy of the party in power, and could only be defeated, in their hope of maintaining it, by such untoward events as this division of their leaders seemed likely to encourage and direct.

In this state of things, Wirt took up his pen in defence of the decision of the caucus, and addressed three letters "to the Protestors," through the medium of the Enquirer, at Richmond. These letters were signed "One of the People." As they convey a favourable impression of the author's talents for political controversy; and as they refer to some interesting facts of public history, as well as to some questions of political conduct; and present a most spirited and appropriate defence of one of the ablest and best of American statesmen, the reader, it is presumed, will find sufficient interest in the topics, to be gratified with the perusal of the following extracts.

These letters are addressed to Joseph Clay, Abraham Trigg, John Russell, Josiah Masters, George Clinton, Jr., Gurdon S. Mumford, John Thompson, Peter Swart, Edwin Gray, W. Hoge, Samuel Smith, Daniel Montgomery, John Harris, Samuel Maclay, David R. Williams, James M. Garnett and John Randolph.

"One of the people of the United States, to whom you have lately addressed yourselves, through the medium of the press, returns you his acknowledgments through the same channel, and, as one of your constituents, he expects to be heard by you in his turn. An appeal to the nation, by their representatives in Congress, and that under so solemn a form as a protest, strikes the attention and commands

respect. The parliamentary protest in England has generally been the act of a patriotic minority, resisting, in behalf of the people, the corrupt policy and bold encroachments of the minister. We have been accustomed to see and to feel in those protests the genuine flame of the patriot, the unity and simplicity of truth, the energy of argument, crowned with the light, the order and dignity of eloquence. From a natural association of ideas, on which you, no doubt, calculated, we received your protest with similar feelings. It is true, indeed, that in this country *we* have perceived nothing either of ministerial oppression or corruption, during the course of our present administration. The country has appeared to us to flourish in halcyon peace. Instead of oppression, we have felt our burdens lightened; instead of corruption, we have seen only that political purity and chastity which become a republic. But, in spite of seeing and feeling, when we find a congressional protest published to the world, and supported by dissentients so respectable, in number, we at first apprehend that our senses have been deceived; that, unknown to us, there has been oppression or corruption, or both, which this band of honest and independent patriots is now about to expose and proclaim to the nation. We take up your protest with hearts beating full of expectation and anticipated gratitude. But what is our disappointment, what our regret, what our disgust, when, instead of a protest breathing the elevated spirit of conscious truth and virtue, telling us of wrongs which we have suffered, *and proving them, too*, we find ourselves insulted by an electioneering squib — weak and inconsistent in its charges—shuffling and prevaricating in its argument—poor, entangled and crippled in its composition. Is it by these means that you seek to recommend yourselves to our respect? Is it thus that *you* respect the understandings and integrity of your countrymen?

"The jealous resentment of a republic is the sacred guardian of her honour and safety. The wise and the virtuous approach and excite it with caution; for they know that it is a dangerous passion, and they would confine it to its appropriate function, the punishment of guilt, and the preservation of the republic. It is only the weak and the wicked who seek to rouse this lion passion on every occasion; the weak, because they know not what they do; and the wicked, because they know it too well; because they are, perhaps, in a situation which anarchy cannot make worse, and may make better; or because there is some man of prëeminent merit who stands in the way of their designs, and who is too firmly fixed to be removed by any other means than a popular storm; or because they feel themselves so perfectly eclipsed in the plain road of virtuous and honest policy, that they find it necessary to fly off into an eccentric track, in order to catch the public eye; or because they had rather be regarded as baleful meteors, shaking pestilence and plague upon the earth, than as salutary planets of inferior magnitude and splendour, dispensing light and maintaining

the harmony of the system; or because they have been baulked in some favourite appointment, and, writhing under the united pangs of disappointed ambition and rancorous revenge, or panting for the guilty glory of heading a bold and turbulent faction, they would involve a republic in confusion and ruin, rather than not be gratified and distinguished. These are truths which the people of the United States understand; and understanding which, they will scan with a critical and suspicious eye every attempt which is made to inflame the national resentment. Before they suffer themselves to be inflamed, they will examine well the causes which are assigned for it. Before they suffer their confidence to be withdrawn from a tried, a faithful and a favourite servant, they will analyze with calmness and patience the charges which are made against him. They will do more: they will look with an eye of jealous scrutiny into the characters and motives of his accusers. They will see whether there be no one among them to whom the removal of that favourite would be personally convenient or grateful; no one whose resentment or whose envy it would soothe; no clan of subaltern characters, to whose private and personal attachment to a restless and ambitious chieftain, it would administer delight. They will trace the denunciations to its source; and see whether it be fair and patriotic, with a sincere and single eye to the public good; or whether it be the intrigue of a cabal, to put out of the way a man who is too honest and virtuous for their purposes. As to you, gentlemen, it is to be presumed that you can defy this scrutiny. Occupying the station which you do, it would be horrible to think otherwise of you. To turn against us the 'vantage ground' which we have given you, to use it for the purpose of embroiling us with one another, of ruining our peace, and overwhelming the republic with civil discord, in order that you might rise, like the spirits of the storm, to the sovereign direction, would be an abuse of confidence, a pitch of ingratitude and perfidy, of which we trust that our infant republic has, as yet, no examples.

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"You arraign the late caucus at Washington; but have not you yourselves, or at least the most distinguished among you, been members of caucuses on the very same occasion? Were you not members of a caucus for this very purpose in the presidential election of 1800? You cannot deny it; you dare not deny it. When it was found that there was an equal division in the electoral votes between Mr. Jefferson and A. Burr, were you not frequently, nay almost perpetually in caucus for the purpose of devising means to ensure the ultimate election of him whom you believed the choice of the people? Were you not, again, in caucus for the presidential election which took place in the year 1805? These are facts of public notoriety. You do not deny them. Nay, you admit that caucuses 'have heretofore been *customary:*' your consciences admonished you of the inconsistencies

into which you were plunging, and you attempt to excuse yourselves. 'These meetings,' you say, '*if not justified*, were *palliated* by the necessity of the Union:' No shuffling in the ranks, gentlemen. A caucus is right or wrong in principle; if wrong, nothing can make it right. If the caucus of 1808 was 'in direct hostility with the principles of the Constitution;' if it was a 'gross assumption of power not delegated by the people;' the caucuses of which you were members, were equally 'in direct hostility with the Constitution;' were equally 'gross assumptions of power not delegated by the people;' for the Constitution has undergone no change in this respect. It gave no more caucussing power in 1800–4, than it gives in 1808. Out of your own mouth, then, you are condemned: 'wherein ye judge others, ye condemn yourselves; for ye that judge, do the same things.'

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"Again: You accuse the members of Congress who formed the late caucus at Washington of attempting to produce 'an undue bias on the presidential election—by the sanction of congressional names.' Now, pray, what was the object of your protest—of your indecent and unfounded invective against Mr. Madison? Was that intended to produce no 'bias on the presidential election,' and to produce it, too, 'by the sanction of congressional names?' Blush at the inconsistencies in which you have involved yourselves—inconsistencies which prove the pure and noble policy by which you are actuated, and which, rely upon it, will not be shortly forgotten by your country.

"But what is all this clamour and uproar about caucuses, and which, all at once, have become so fraught with danger to the country! The people of the United States see nothing in a caucus but a conference among the members of Congress to ascertain the favourite of a majority of the people. The presidential election is a prevailing topic of conversation in every quarter of the Union, for a considerable time before it takes place. The pretensions of the several candidates are every where publicly and freely discussed. The members of Congress, then, will have learnt the sentiments of their respective constituents, before they leave home. The object of a caucus is understood to be nothing more nor less than to bring those sentiments together, and, by comparing them, to ascertain who has the preponderance of popular favour. What odds does it make how this conference is called; whether by an anonymous card or one signed by the name of Mr. Bradley? The essential object is the conference; and so that one be fairly obtained, the people care very little about the forms and ceremonies which led to it. As to the assertion that the notice was *private*, we require evidence. We have seen a very different statement of this fact—a card *published* in the name of Mr. Bradley, and a counter-card in the name of Mr. Somebody-else. And as to you, gentlemen, we presume that it would have made very little difference whether the notice was public or private; since your new-born reli-

gion on this subject, you would have been too scrupulous or too stately to have attended, although the notice had come to you in the form of a *subpœna ad testificandum*, and, that, on the solemn call of your country.

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"You seem to think that a congressional caucus has the power of forcing on the people whomsoever they please as President—that by bribes in one shape and another, a caucus composed of members of Congress, might be induced to place any candidate in nomination, and that such nomination would bind the people like a magic spell; that from it they would have no possibility of appeal or escape. Do you really believe all this, gentlemen? If you do, we are sorry for you. You have lived to very little purpose, and know but little of the independence of the American character. Waiving, at present, your remark on the corruptibility of Congress, and of which it is hoped you do not speak experimentally—let me ask you this question;—do you suppose that, if one of you (and let it be the most prominent character among you,) could have prevailed on the last caucus to put him in nomination, the people would have had no choice but to have made him President? It is impossible to read the question, without smiling at the supposition of an answer in the affirmative. The nomination would have been laughed to scorn. And why would it? Because there are men of another stamp who are willing to serve us: men, whom we have tried for upwards of thirty years; men, who sat at the helm through the storms of our revolutionary war; men, whom we have ever found faithful and vigilant; men, as profound in policy, as they are upright in their views; men, who have never had an object but their country's good; men, compared to whom you are but as boys of yesterday. These are the men whom our fathers have gone down to their graves, blessing; and whom we certainly shall not desert, because of your petulance and importunity."

The protestors had affirmed that a caucus was "in direct hostility with the principles of the Constitution"—but had added to this declaration—"we do not say that a consultation amongst the members of Congress respecting the persons to be recommended for the two highest offices in the Union, may not, *in some extraordinary crisis*, be proper"—and as an instance of such a crisis, they had referred to the first election of Mr. Jefferson,—"The federalists"—they said in touching upon this election,—"presented a strong phalanx, and either to succeed at all, or to prevent them from placing the candidate for the Vice-Presidency in the presidential chair, it was necessary to exert

the combined efforts of the whole republican party." To this point, "One of the People" asks:

"But why are you not in caucus, gentlemen? for the very crisis has arrived, which, according to your principles, would render it proper. There is a party which is just as obnoxious to you as ever the federal party was, and which we believe you wish, most fervently wish, to annihilate. It is the republican party, at the head of which is the present administration. It will be in vain for you to deny this. It is not in your Protest only that we look for the evidence of it: it is in your conduct on the floor of Congress. From an *occasional* difference with the measures of the administration, we should not have drawn this conclusion, because such a result might have been expected from the different structures and habits of different minds. But when we find you organized into a corps against the administration, and pursuing your opposition with as much *system*, *inflexibility*, and, I will add, *rancour*, as you manifested towards the federal administrations, we can have no doubt, that you wish their annihilation as devoutly as ever you wished that of the federalists. Yes, it is not Mr. Madison only, it is the administration which offends you. It is their united effulgence which produces all this agitation and screaming among the birds of night. They long for the day-fall, which better suits the dimness of their sight; for the season of darkness, when the peculiar conformation of their organs may give them an advantage, and their fierce and predatory spirit may have full scope for indulgence and satiety." * * *

After some cogent arguments in favour of the caucus principle, the author proceeds:

"That conference is a medium of communication between the states. It shows to one state the opinions of another, and to the United States the result of the whole. Those who, on the comparison, find themselves in the minority, *if they be the genuine friends of republicanism, of harmony and of the Union*, will sacrifice their private predilection to those great public objects; and thus, by reciprocal concessions, feuds between the states will be prevented, congressional intrigue will be avoided, and these elections will continue to fall, where the Constitution intended them to fall, on the people, by their electors. Such will always be the result, while the people continue fraternal, united, virtuous and patriotic.—Or say that a country is cursed with a congressional minority, who, instead of thus sacrificing to the public good, would sacrifice every earthly and every heavenly consideration to the views of their own inordinate ambition; then, there is the more occasion for concert and good understanding among the virtuous and pacific majority. So that whether in times

of internal peace or trouble, the conference is constitutional, harmless and advantageous.

"When was it ever more so, than on the present occasion? When (to say the least of them) a parcel of hot-brained young men, aspiring to resemble Shakspeare's character of the earl of Warwick, to be the 'builders up and pullers down of Presidents,' confederate themselves together, to traduce and ruin one of the most virtuous and able public servants that ever blessed a free nation? And did you suppose that it would be in the power of such men as you are, to shake the gratitude and attachment of the people to such a man as Mr. Madison? What could you have thought of us? what could you have thought of yourselves? Of Mr. Madison, we had supposed it might have been truly said, as Dr. Johnson is reported to have said of Sir Joshua Reynolds, that he is one of those men with whom, if a person were to quarrel, he would be the most at a loss how to abuse. But in this sentiment, Dr. Johnson went upon the supposition, that the abuse should proceed upon facts, or at least, have some small degree of resemblance to them. The power of invention and of distortion, which you have displayed, were altogether beyond his calculation."

The objection of "want of energy" is then taken up. The Protest had inveighed against Mr. Madison in this language:

"We ask for energy, and we are told of his moderation. We ask for talents, and the reply is, his unassuming merit. We ask what were his services in the cause of public liberty, and we are directed to the pages of the Federalist, written in conjunction with Alexander Hamilton and John Jay, in which the most extravagant of their doctrines are maintained and propagated. We ask for consistency, as a republican standing forth to stem the torrent of oppression which threatened to overwhelm the liberties of the country: we ask for that high and honourable sense of duty which would, at all times, turn with loathing and abhorrence from any compromise with fraud and speculation. We ask in vain."

The reply to this is spirited, caustic and personal, presenting a strong example of the author's power of sarcasm.

"This is just such pretty little sing-song composition, as schoolboys, with senses half awake, dream over for their first thesis. And who are you, that hold this language concerning Mr. Madison? As to the most prominent among you, we ask for *your* energy, and we are told of your arrogance; we ask for *your* talents, and the reply is

your sarcasms and your petulance; we ask what are *your* services in the cause of public liberty, and we are directed to your co-operation with the British cabinet and the British author of *War in Disguise*, to justify the piratical plunder of our commerce; we ask for *your* consistency as republicans, and we are told of what you were and what you are — of your former attachment to the pure principles of the administration, and your present delirious and frantic invectives against them. We ask for that high and honourable sense of duty, which, trampling with disdain on all selfish considerations of private pique and personal aggrandizement, looks only to the public good. We ask for the mind which pursues that great object with calmness and discretion; which, instead of fuming and fretting itself upon a partial view of a measure, takes the time to look comprehensively, patiently and calmly to all its consequences, in all its bearings; to allow to every consideration its due weight, and then, instead of rushing to its decision, in a state of feverish passion, takes its ground with that dignity which results from a conscious mastery of the subject — from mingled temperance and firmness.—We ask for those things; we ask in vain. As to the rest of you, we ask who are you? and we are told —you are members of Congress. We ask how you have distinguished yourselves? and we are pointed—to your PROTEST!—And you are the men who expect, that *by giving your names to the world,* you can destroy Mr. Madison! It was, indeed, high time for you to have received this salutary admonition. No, gentlemen, believe it, you are not the kind of characters who are fitted to sway the destinies of this nation. We would as soon commit them to 'Macedonia's madman, or the Swede.' Nor are the people of the United States an Athenian mob, on whom you can play off your intrigues with success. You will not speedily gain with us the name of patriots, by means of your rashness and vociferation; nor will you prevail upon us, by fictitious charges, to banish from our bosom another Aristides. You forget that we have the example of Athens before us. If, after such an example, we could repeat her follies and her crimes—banish our patriots, and applaud and flatter the fiery demagogue, until we raised him into a despot — we should deserve the remorse, the vain and unavailing remorse, the ruin and the infamy, which finally overtook her."

The following brief history of the celebrated Yazoo case is not without interest:

"But, what do you mean by raising this uproar against Mr. Madison about the abominable Yazoo business? We know that he is as perfectly clear of that transaction as you are; *and you know it too.* We understand you, gentlemen. We see you through all your mazes. You know that this Yazoo business was universally odious; you know how highly and universally our indignation was excited. You

believe that indignation so blind that you can lead it as you list, and so furious that you can cause it to sweep into indiscriminate ruin all against whom it is your pleasure to direct it. You are mistaken, gentlemen. We are not so blind as you suppose us. Nor will you find it so easy a matter as you expect, to make us, by misrepresentations, the tools of your designs and the instruments of our own disgrace. Unfortunately for you, we know the course of that whole affair too well to be imposed upon by you. We will show you that we do.

"When that country which had been the scene and the subject of the Yazoo speculation, was ceded by the State of Georgia to the United States, it passed, with all the incumbrances and claims which previously existed upon it. These were derived from various sources: 1st. From the British government while the country belonged to the British: 2d. From the Spanish crown after its conquest of West Florida: 3d. From occupancy and settlement only; and 4th. From the State of Georgia. Petitions, memorials and remonstrances swarmed before Congress, and, among others, those of the Yazoo speculators. It became important to the United States to ascertain how many of those claims were well founded and deserved to be confirmed; how many were fictitious and deserved to be rejected. By an act of Congress, passed in 1800, the commissioners of the United States who had been previously appointed to settle limits with the State of Georgia, were authorized, 1st. 'to enquire into the claims which are or shall be made by settlers, or any other persons whatsoever to any part of the lands aforesaid.' 2d. 'To receive from such settlers and claimants *any propositions of compromise.*' 3d. 'To lay a full statement of the claims and propositions, *together with their opinion* thereon, before Congress.' Mr. Madison, the secretary of state, Mr. Gallatin, the secretary of the treasury, and Mr. Lincoln, the then attorney-general of the United States, were the commissioners appointed to perform those laborious duties. They discharged them with ability; and all three concurred in the report upon this subject. In explaining the Yazoo claims, so far are they from suppressing one single feature of that hideous transaction, that they open up all the sources of corruption in which the Georgia law originated, point out the names of the corrupted members, and arrange and exhibit the proofs of that corruption. In short, they exhibit the whole of that evidence which was afterwards the theme of so much eloquent declamation in Congress. Never was there a case of infamous corruption more luminously, more ably, and more cogently developed and displayed, than that of the Yazoo, in their report. They were directed, however, by the law under which they were acting, to receive any proposals of compromise which might be made by the Yazoo claimants, and to report such proposals to Congress, together with their opinion thereon. They accordingly receive and report the Yazoo

proposals, and give their opinion that they were inadmissible. At the same time they think that there were features in this transaction which deserved their consideration and that of Congress. For instance, a great number of virtuous and innocent men at a distance from the scene of action, and who knew nothing of the corruption in which the law of Georgia originated, had been induced to become purchasers of Yazoo lands. The law itself on the face of it was not only fair, but popular. For it was an act supplementary to an act entitled, '*an act appropriating a part of the unlocated territory of this state to the payment of the late state troops.*' The Assembly of the State of Georgia, a body having full power on the subject, pledge the faith of the state for the validity of the grant. On the faith of this pledge, distant men, as virtuous as any in the United States, and knowing nothing of this case except the fair face of the law, were induced to take titles under it. The names of some of these men, well known in Virginia, appear in the report. Was it competent to the State of Georgia, one only of the contracting parties, to revoke the law, and that to the prejudice of these innocent purchasers? These were difficulties which the commissioners had to consider and to report their opinion upon. The United States had now taken the place of Georgia; it had acquired by cession a vast territory; and besides doing strict justice to itself, it was bound to do what was equitable to others. There was another view of the subject highly interesting to the government. It was bound in its decision to consult *its own dignity* in the mode of adjusting these disputes, and *its own interest* in removing all the sources of litigation and quieting the titles of its own future grantees in this territory. Considering these circumstances, the real hardship of the case to the innocent purchasers and the rich acquisition which the United States had gained in the territory, the three commissioners concurred in thinking it the most liberal and sound policy to put an end to all disputes, by giving those claimants a reasonable compensation for their disappointment and losses. This is the whole case."

We close these extracts with the eloquent defence of Mr. Madison, which seems to have been prompted no less by the just appreciation of his public service, than by a warm personal regard for the distinguished subject of these remarks.

"You object to Mr. Madison, *the want of energy.* The objection shows the company which you have been keeping. It proves that confederacy with your former political adversaries, which has been so often, and, we now find, so justly charged upon you. It is the mere echo of the old federal reproach against Mr. Jefferson, caught by you, to be reverberated against his expected successor. *The want of energy!* How has Mr. Madison shown it? Was it in standing abreast

with the van of our revolutionary patriots, and braving the horrors of a seven years' war for liberty, while you were shuddering at the sound of the storm, and clinging closer with terror to your mothers' breasts? Was it, on the declaration of our independence, in being among the first and most effective agents in casting aside the feeble threads which so poorly connected the States together, and, in lieu of them, substituting that energetic bond of union, the Federal Constitution? Was it in the manner in which he advocated the adoption of this substitute; in the courage and firmness with which he met, on this topic, fought hand to hand, and finally vanquished that boasted prodigy of nature, Patrick Henry? Where was this timid and apprehensive spirit which you are pleased to ascribe to Mr. Madison, when he sat under the sound of Henry's voice for days and weeks together; when he saw that Henry, whose soul had so undauntedly led the revolution, shrinking back from his bold experiment, from the energy of this new and untried Constitution; when he heard the magic of his eloquence exerted to its highest pitch, in painting, with a prophet's fire, the oppressions which would flow from it; in harrowing up the soul with anticipated horrors, and enlisting even the thunders of Heaven in his cause? How did it happen that the feeble and effeminate spirit of James Madison, instead of flying in confusion and dismay before this awful and tremendous combination, sat serene and unmoved upon its throne; that, with a penetration so vigorous and clear, he dissipated these phantoms of fancy; rallied back the courage of the House to the charge, and, in the State of Virginia, in which Patrick Henry was almost adored as infallible, succeeded in throwing that Henry into a minority? Is this the proof of his want of energy? Or will you find it in the manner in which he watched the first movements of the Federal Constitution; in the boldness with which he resisted, even in a Washington, what he deemed infractions of its spirit; in the independence, ability and vigour with which, in spite of declining health, he maintained this conflict during eight years? *He* was then in a minority. Turn to the debates of Congress and read his arguments: you will see how the business of a virtuous and able minority is conducted. Do you discover in them any evidence of want of energy? Yes; if energy consist, as you seem to think it does, in saying rude things, in bravado and bluster, in pouring a muddy torrent of coarse invective, as destitute of argument as unwarranted by provocation, you will find great evidence of want of energy in his speeches. But if true energy be evinced, as we think it is, by the calm and dignified, yet steady, zealous and persevering pursuit of an object, his whole conduct during that period is honourably marked with energy. And that energy rested on the most solid and durable basis—conscious rectitude; supported by the most profound and extensive information, by an habitual power of investigation, which unravelled, with intuitive certainty, the most intricate subjects, and an eloquence, chaste, lumi-

nous and cogent, which won respect, while it forced conviction. We have compared some of your highest and most vaunted displays with the speeches of Mr. Madison, during his services in Congress. What a contrast! It is the noisy and short-lived babbling of a brook after a rain, compared with the majestic course of the Potomac. Yet, you have the vanity and hardihood to ask for the proof of his talents! You, who have as yet shown no talents that can be of service to your country; no talents beyond those of the merciless Indian, who dexterously strikes a tomahawk into the defenceless heart! But what an idea is yours of energy! You feel a constitutional irritability—you indulge it, and you call that indulgence *energy!* Sudden fits of spleen —transient starts of passion—wild paroxysms of fury—the more slow and secret workings of envy and resentment — cruel taunts and sarcasms—the dreams of disordered fancy—the crude abortions of short-sighted theory—the delirium and ravings of a hectic fever—this is your notion of energy! Heaven preserve our country from such energy as this! If this be the kind of energy which you deny to Mr. Madison, the people of this country will concur in your denial. But if you deny him that salutary energy which qualifies him to pursue his country's happiness and to defend her rights, we follow up the course of his public life, and demand the proof of your charge: for we beg you not to think so highly of yourselves, nor so meanly of us, as to suppose that *your general assertion* will pass with us for *proofs:* we have not yet seen the evidence of candour and virtue which entitles you to this high ground. To your *proofs*, then, and to the retrospect of his life. Do you remember that dark and disastrous period, during the administration of General Washington, when the British marine was taking some of those stately strides which threatened to crush our infant commerce in the bud? Do you remember the resolutions brought forward by Mr. Madison at that period, to restrict the British commerce itself, and avenge the wrongs done to his country? Do you remember those celebrated resolutions, and the raptures of applause with which they were received by the people, for their well-timed and well-directed *energy?* It may be convenient to *you* not to remember these things; but do not believe that *we* shall forget them, nor that we shall fail to compare the spirited and highly applauded policy which he recommended then, with the policy which our present wise and virtuous republican minority are recommending toward the same nation now, on account of the same kind of aggressions.

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"Again, was Mr. Madison's want of energy shown in the year 1799? In that year, 'the political hemisphere' was so far from having 'brightened a little,' that its darkness had thickened till it could be felt. The Alien and Sedition laws waved their baleful sceptres over the continent, and the bosoms of patriots were every where filled with consternation, and almost with despair. It was believed that public

liberty had no hope, no refuge but in the State governments. It had been announced from the presidential chair, that there was a party in Virginia, which was to be 'ground into dust and ashes.' The resolutions of Colonel Taylor, in 1798, treated with neglect or contempt by the other great States, had proved that the Legislature of Virginia was the last stand of our political freedom and happiness:—and to crown the climax of danger and disconsolation, the distinguished Patrick Henry came again from retirement, with the view, as it was understood, to assault and dislodge them from this their last station. Such was the inauspicious, the all-important, the decisive crisis, when James Madison, with a frame still languishing under sickness, but with a spirit firm, erect and intrepid, came forth in the cause of liberty and his country. Who can forget that moment? Who can forget how the little band of Virginian patriots crowded around this republican champion, to catch the accents of a voice rendered feeble by disease? Even yet we have this virtuous and fraternal group before us. Who can forget how the night of despair first began to give way;—how hope, at first, faintly dawned upon each cheek, as uncertain of the issue; until under the inspiring strains of his voice, she assumed a deep and determined glow, and sparkled with exultation in every eye? Who can forget the resplendent triumph of truth and reason exhibited in his report? Who that loves his country can cease to love the man, whose genius and firmness gained that triumph? Not the American people, be assured, gentlemen. Yet we find that one of you, under the signature of Falkland, in a late Enquirer, can recall that epoch with far different emotions; can gratify his spleen by fancying what would have been the result of a *rencontre* between Mr. Henry and Mr. Madison, if it had not been prevented by the death of the former;—how the genius of Madison would have sunk and fled before the impetuous and overwhelming eloquence of Mr. Henry. The writer obviously derives a species of malignant pleasure from brooding over this imaginary triumph, although if gained, it would have been at the expense of his country. This is his virtue: this, too, is his candour! Had he forgotten the convention of Virginia, where Henry, in all his glory, was foiled by the transcendant powers of James Madison? Or, did he think the defence of the Alien and Sedition laws a better cause, than the contending for previous amendments to the Constitution? Wretched, most wretched is the fate of that writer or that man who deserts the plain highway of conscience and of candour, for the dark and crooked mazes of intrigue and cunning—of trick and misrepresentation: he may, as the wise son of Sirach has said, 'work his way for a time, like a mole under ground, but by-and bye, he blunders into light, and stands exposed with all his dirt upon his head.'

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"Mr. Madison, it seems, left his post in Congress, in the moment

of danger, and took refuge in retirement. This is just as candid as the rest of your reproaches. The case was this. Mr. Madison had devoted two-and-twenty years of the prime and flower of his life to the service of his country: he had not spent those years in saying 'yea and nay,' nor, what is worse, in venting barbarous sarcasms, in writing protests disgraceful to his virtue and understanding, and in playing the part of Thersites in the camp of Agamemnon! No; those years had been spent in beneficial services, in the discharge of the most arduous duties, in the most intense and unrelaxing exertion of his pre-eminent faculties in the cause of liberty and republican government. In the mean time, his private affairs had been neglected —his constitution had received a serious shock—his health was in a visible and alarming decline. In these circumstances, at the close of General Washington's administration, he sought an interval to put his estate in order, to recruit his health, if that were possible, or, if otherwise, to provide for the awful change which he had too much reason to apprehend. It was in 1797 and '98, that he was thus engaged. But we have seen, that in 1799, when the dangers of his country had increased almost to desperation, although his health was so far from being confirmed that it had become worse, he again made his appearance on the political theatre, with the same signal gallantry which had ever distinguished him. He has been in public life ever since. And those two years of repose and of private duty, so reasonable, so necessary to him, are what you would have us to consider as a cowardly flight from danger! We are not barbarians. You defeat your own purpose, gentlemen; you wish to destroy Mr. Madison; but you force us to recall his services, and to reflect how immaculate must be that life, against which malice itself can bring no better charges.

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"But let us see how well this quadrates with your next charge. This is, that Mr. Madison, in conjunction with Mr. Jay and Mr. Hamilton, wrote the work called The Federalist, in which the most objectionable doctrines of the latter are maintained. Now the objection to the doctrines of the latter gentleman was, that they were *too energetic*. In one breath, then, Mr. Madison wants energy — in the next, he has too much of it.—This is the unity and consistency of truth.—But, why, again, are you so vague and so general in this charge about the Federalist?—Our jurists tell us '*dolus latet in generalibus*'—deception lurks in general expressions; and the truth of the maxim was never more strikingly exemplied than in your treatment of Mr. Madison. You mount some eminence, and, with a trumpet to your mouth, you bawl out, 'Yazoo,' 'want of energy,' 'the Federalist—Jay and Hamilton.' It does not suit you to descend to particulars, because you know that the charges require but to be seriously examined, and they are at once falsified and exposed. You know the

odium attached to the words which you utter, and regarding your countrymen as a pack from the kennel, you seem to think that you have nothing to do, but to point out the game, and set us on. But we are not quite such beasts as you are pleased, *most respectfully*, to consider us. Instead of being ready to worry a patriot whose virtues offend you, we will protect and cherish him against your injustice and most undeserving persecution. The Federalist? We know that it is a defence of the Constitution which we are all sworn to support: and where is the crime of Mr. Madison's having participated in that defence? Is it criminal in Mr. Madison to have defended the Constitution by written argument, and yet not criminal in you and in us to have sworn to support it? This is another evolution of the strength and clearness of your discernment! Since you will not descend to particularize the passages in the Federalist which Mr. Madison wrote and which give you offence, permit us to extract one which is calculated to give you consolation in *the prospect before you*, since it promises the continuance of your honourable existence as a body;—'Liberty is to faction, what air is to fire; an aliment, without which it instantly expires. But it could not be a less folly to abolish liberty, which is essential to political life, because it nourishes faction, than it would be to wish the annihilation of air which is essential to animal life, because it imparts to fire its destructive agency.' This is a general answer to a general charge. When you give that charge a definite form, it shall receive a definite answer."

The letters conclude with a retaliatory assault upon the protestors:

"There is obviously an effort to keep back a part of your wishes. Speak out, gentlemen; after the lengths which you have gone, it is the height of folly to be squeamish. Or, if you will not speak out, we will do it for you. This is your wish. You wish some man to be appointed the next President, who, you believe, looks upon the present administration with the same hostility which you do; in other words, you are displeased with the character of the present administration, and you wish a different character to be introduced. This is the whole of the secret with which you have been labouring and floundering throughout this most unfortunate, self-murdering Protest. But you perceive that the people of the United States are of a different opinion. They approve the character of the present administration; they wish that character continued; they know that it will be continued by the election of Mr. Madison. These are truths which stare you in the face, and fill you with the pangs and agonies of despair. The prospect of being again in a little and wretched minority, during the next administration, is more than your proud and lofty spirits can support.—Learn, then, to avoid it. Learn to have no interests but those of the people. Forget the wicked dreams

of ambition which have disturbed your brains. Return to virtue and to the people; and the people will forgive you."

These letters attracted a great deal of observation. Replies were published, and a war of considerable virulence was waged between the author and his opponents. Some references to this will be seen in his correspondence of this year.

We are struck, in the perusal of these papers of "One of the People," with the acrimony of the discussion. They show us that the political asperities of our own day are inherited from another generation, and belong, we may infer, to the nature of our government, and in some degree, perhaps, to the character of our race. Few men were more tolerant of opinion than Wirt, few less likely to be excited by political stimulants into the exhibition of acerbity of temper:—but we may remark also that no man was ever more prompt or zealous to defend a friend from the assaults of an enemy than he. In the performance of this office for Mr. Madison, he may have indulged a sharper tone of rebuke and a larger license of invective than his own judgment, in a moment of more repose, might approve. His letters to his friends, contemporary with these political effusions, seem to imply this. The authors of the Protest were gentlemen of high standing in the country, many of them distinguished, then and afterwards, for their devotion to the public welfare and effective usefulness in the national councils; and, in after life, personally esteemed by Mr. Wirt, as friends worthy of all regard. They had, however, commenced the war, and could hardly expect less quarter than they received in the conflict;—though, we may suppose, little expecting to encounter the champion which Richmond supplied in "One of the People."

Whilst these letters were in progress of publication, Wirt found himself most unexpectedly, and without any agency on his own part, proposed to the city of Richmond as a candidate to represent that constituency in the House of Delegates. His opponent was Colonel Carrington, one of the most worthy and influential gentlemen in that community. Quite as unexpectedly, he was elected.

Writing to Mrs. Wirt from Williamsburg, on the 11th of April, 1808, some days before the election in Richmond was to be held, he says—

"There is an election here to-day, which reminds me of that in Richmond. The total indifference with which I contemplate the Richmond election, convinces me that political ambition is not one of my sins. In many points of view, it would be permanently and infinitely to my advantage to be left out. I beg you, therefore, not to heave one sigh at Col. C.'s election, nor think that your husband is the less respected by the wise and the good, because he is not preferred by the freeholders of Richmond to Colonel C. It is no disparagement to any young man, that a patriot so old, so long tried, so virtuous and so worthy in every point of view as Colonel C., is preferred to him. I regret extremely that, by being unintentionally and unexpectedly drawn into collision with him, I have been made to have the appearance of implying a doubt of his fitness, or of entertaining a vain opinion of my own; both which opinions I most sincerely disclaim. But you know how I was brought into this scrape, which, I promise you, is the last one of the kind."

The history of political contest in the United States does not often present specimens of reserve and modest personal estimate resembling this. We record such manifestations of opinion as is here implied, both in regard to what is due to the public service, and to the humility of self-judgment, with a peculiar pleasure, for the instruction of the present generation, when almost every man seems to believe himself gifted with all the attributes of wisdom, talents and learning necessary to the discharge of any public function whatever. At this day, when the most profound problems of political economy and jurisprudence, and all the mysteries of wise legislation, and all the science necessary for skilful diplomacy, are supposed "to come by nature," or to derive their highest finish and perfection from the severe discipline of the stump, and to find in every forum erected at a country cross-road or porch of a village tavern, an academy competent to furnish full-blown and accomplished statesmen, it may be well to recur to the example of that earlier epoch of our republic, when a man so gifted as William Wirt, so laboriously trained and so successfully tried, could speak in such terms of distrust as to his fitness for a seat in a State Legislature. Forty years ago, evidently, the men of America were not so confident, in regard to their own merit, as they have grown of late. The march of intellect, which we now call "Progress,"

has done wonders in the supply of the finished material of statesmanship.

In the presidential contest of this year, the opposition to Mr. Madison had, in part, looked to Mr. Monroe, as a point of concentration. He was named as the competitor of the caucus candidate, and a strong effort was made to give him the support of the republican party. Mr. Wirt, as we have seen, enjoyed the friendship of Mr. Monroe, equally with that of Mr. Madison. Indeed, the personal relation which he held to Mr. Monroe was even more intimate and confidential than that which he held to his competitor. This circumstance led to the choice of Wirt, as one of a committee in Richmond, to promote the success of Mr. Monroe's election. When this choice was communicated to him, he declined the appointment, and took occasion to explain to Mr. Monroe the grounds upon which he did so—his preference, at that juncture, for Mr. Madison. The following letter has reference to this matter, and presents, in an advantageous light, the delicacy and frankness of the writer. It is proper to remark, that this letter was written before the occasion had arisen for the essays signed "One of the People."

TO JAMES MONROE.

RICHMOND, February 8, 1808.

DEAR SIR:

On going into court to-day, I found business enough cut out for me to keep me closely engaged both to-night and to-morrow forenoon. So it will not be until to-morrow evening that I shall have it in my power to see you on the subject to which you referred this morning.

Feeling for you the same sincere and cordial friendship that I have ever done, since I had first the pleasure of knowing you, and conscious that I was now as worthy of your confidence as I have ever been, it did not occur to me this morning to state to you a circumstance which, perhaps, may make it less agreeable to you to communicate with me on the proposed subject, and which may diminish the weight of any friendly opinion which I may give on it. On recalling our short interview of this morning, I think that candour and honour require me to mention this circumstance. It is this. I was called on to act as one of the standing committee to promote your electoral ticket. I declined it; stating that, although personally more warmly attached to you than to Mr. Madison,—for I knew you much better,—and although I thought it would make very little difference to the happiness

of the people of the United States, which of you was President, yet, for political considerations, I preferred Mr. Madison. I went further, —for it was a mutual friend of ours who spoke to me,—I added that I much feared, if your friends persisted in running you, after the sense of the State and of the United States should be, at least, strongly indicated, if not demonstrated by the votes of the State and congressional legislatures, that it might have a permanently ill effect on your political standing. For, although I myself, and the friends here who are in the habit of intercourse with you, might know the truth, yet I feared that there was danger that the people of the United States might be led to incorporate and identify you with the minority in Congress, the opponents of the present most popular administration. And if they should take such an opinion in their heads, I feared that you were gone irretrievably. Indeed, my dear sir, so strongly have I felt this apprehension, that I have been several times on the point of going and expressing it to you. Nor has any thing restrained me from it but that, having expressed a preference for Mr. Madison, I thought it might be considered indelicate, if no worse, in me to attempt to remove the competition.

I have thought it proper thus to disclose to you what has been my past course and opinions on this subject; submitting it to your own feelings entirely, whether, after this, you would choose to communicate with me as you intended. If this be still your pleasure, I shall be happy to wait on you; and I shall be prepared to give you as sincere and friendly an opinion, as if this presidential competition had never occurred; for I am, in deed and in truth,

Your friend,

WM. WIRT.

Whilst we have this letter before us, it may be well to show with what impressions Mr. Monroe received this friendly explanation. This we are enabled to do from a letter of his to Mr. Wirt, not written in reply to this, but some months afterwards, when the presidential contest had terminated in the election of Mr. Madison. The communication from Wirt, referred to in this letter, I have not seen. Doubtless, the issue of the late contest had opened Mr. Monroe's mind to the suspicion that his friends might have misconstrued his motives and purposes, in submitting his name to the competition in which it was used; and we may suppose also that they felt all the difficulties of the position in which he was placed: that Wirt had intimated this to him, in the letter to which this is a reply. This letter from Mr. Monroe expresses, with an honourable sensibility, his perception of this embarrassment of his friends, and leaves nothing to mar the esteem

and confidence which had so long subsisted between himself and the individual to whom it is addressed.

RICHMOND, December 20, 1808.

DEAR SIR:

Your letter of this day has equally surprised and hurt me, by intimating a suspicion that it was my desire, on account of the late presidential contest, to separate from such of my old friends as took part against me. I really thought that my conduct had, in no instance, given the slightest cause for such a suspicion. Let me ask, has it done so in regard to you? Did I not consult you on some important topics, after I knew that you were not in my favour? And have I ever returned to town, after an absence from it, without calling on you? Have you ever returned those calls?

These circumstances produced no effect on my mind of alienation. I considered the existing state as being equally painful to them and me, and I waited for its transit to show what my real feeling and disposition were to those of my old friends alluded to. You will be sensible that while that contest depended, the delicacy of my situation imposed on me the necessity of much retirement, and that, by observing it, I respected the personal honour and independence of my friends, as well as my own.

It is a fact, that at the moment I received your letter, I was engaged in writing notes to yourself and other friends to dine with me on Thursday. This will show that I shall accept your invitation with pleasure for that day, postponing my invitation to the next. I need not add that I shall at all times be happy to see and confer with you on such topics as you desire,

Being very sincerely

Your friend,

JAMES MONROE.

We recur now to the track of Mr. Wirt's correspondence, offering a few letters which were written during the period of the political excitements I have described. In these letters will be found some glimpses of personal history which may not be unacceptable to the reader.

TO DABNEY CARR.

RICHMOND, May 11, 1808.

MY DEAR FRIEND:

* * * * * *

The essays signed "One of the People" were written by me under the pressure of importunity from some of my friends here, at a period

when I could ill spare the time, and in such haste that the printer's boy was, half the time I was engaged in them, pushing me for the copy. Under such circumstances, you will not be surprised that the composition is loose and coarse, and the style, in many passages, marked with a heat and asperity which the subject did not require.

I wish I had taken more time about them. The cause was a good one, and the protestors might have been castigated with a decorum at which the modest cheek of Madison would have felt no blush. But it is too late to repine; I must endeavour to profit by experience, and to keep myself more cool and discreet hereafter.

You have seen the reply by "One of the Protestors." This is ——. His style is certainly not that of a gentleman, and my first impulse was to have answered him *cum argumento baculino;* but remembering that I was the aggressor, and had, perhaps, treated the gentleman a little harshly, my next impulse was to suffer the vapid stuff to die in peace, and the party to sink down, without interruption, into that nothingness to which they are so rapidly tending. Some of my friends here think I ought to reply. Will not this be giving an importance to those publications which they do not deserve? Will it not be *impoliticly* protracting the existence of the minority? Will they not perish soon enough of themselves, if we let them alone?

When I said, in the Enquirer, that I should be glad to receive the promised respects of "One of the Protestors," I made sure that John Randolph was coming out. I would have engaged with Achilles, but I do not relish a combat with one of his myrmidons. If I thought, however, that the people,—I mean the judicious part of them,—expected it of me, I would reply to him. What do they say with you? What does Peter say of it? What do you say? Let me have your answer as soon as possible, since, if I am to reply, it ought to be done immediately.

* * * * * *

Let me be remembered to all our friends.

Heaven bless you!

WM. WIRT.

TO DABNEY CARR.

RICHMOND, May 23, 1808.

MY DEAR CHEVALIER:

* * * * * *

I was not much pleased with the style of "One of the People." I am sorry for having written it—not for any thing that the calf's-head, "One of the Protestors," has said, but because I do not think that it is in the style in which Mr. Madison should be defended, nor in which any man should write who aspires at maintaining in society a pure and dignified character. The protestors deserved to be scorched;

but I think it might have been done even more effectually, and certainly more to the honour both of Mr. Madison and the writer, by a chaste and polite style. But the die is cast; and the question is, how to carry on the game.

This morning has brought out the third and last number of "One of the Protestors." A more infamous piece of personal abuse, of the very lowest order, has never been published. All my friends here concur in the opinion that he does not deserve a reply. I shall, perhaps, give him a short one; but the Court of Appeals and Federal Court being both in session, and there being several of my clients in town, pestering me with the examination of Commissioner's reports, I have not a moment to give to the consideration of the protestor.

Meantime you would be pleased to see with what composure and peace I take this scurrility. I believe that it can do me no possible injury. If I thought it could, I would certainly resort to the stick. But while my life is constantly belying his charges, they will not be relied on. The reader who does not know me will inquire into their truth of those who do, and learning that they are false, will estimate the writer as he deserves, and me as I deserve.

Your friend,

WM. WIRT.

I conclude this chapter with another letter to Mr. Edwards, filled, as all Wirt's letters to this worthy gentleman are, with the affection and gratitude of a son.

TO BENJAMIN EDWARDS.

RICHMOND, July 2, 1808.

MY DEAR AND EVER HONOURED FRIEND AND FATHER:

I have read, half a dozen times, with swimming eyes, your precious letter of the 8th of April last. Our courts have been sitting, without intermission, ever since the 1st of February till the 28th of last month, or I should sooner have acknowledged your goodness in writing to me under so much pain. Your friendship and affection for me, are among the purest and sweetest sources of happiness that I have upon this earth. Judge, then, with what feelings I hear of your ill health. Yet I trust that the same gracious Providence, "who makes the good his care," and who raised you once before from the bed of torture, will spare you still to your family and friends. I have been afraid that you do not take exercise enough, yet Mr. Street, the editor of "The Western World," handed me, the day before yesterday, a letter from my brother Ninian, dated April 11th, three days after yours, in which he says that you had been, lately, at

his house. That, I apprehend, is nearly as long a journey as would bring you to the mineral waters in Virginia. Would not this excursion, aided by the waters and the animation of the company, promise to give a tone to your system, and remove the torpor and debility of which you complain?

I wish you could believe it prudent and advisable for you to take such a step, because I should then have it in my power to see you once more. I would certainly meet you at the Springs, and receive your blessing; and my wife and children, from the sentiments they have for you, would accompany me, with all the piety of pilgrims. My imagination has dwelt upon this meeting, until I begin to feel a strong presentiment that it will certainly take place. My brother Ninian and his family would, I dare say, attend you. What a happy group should we form! How would we talk over the days that are past, till torpor and debility, and sickness and sorrow would fly and leave us to our enjoyments. What do you say to this project? I have a sanguine hope that you will find it as judicious in reference to your health, as I am sure it would be exquisitely grateful to your feelings. And if we meet once, and your health should become settled again, might we not devise a scheme of meeting at the same place every two or three years? By these means our children would become acquainted, and the friendship which has subsisted between us would be continued in them.

I leave it to your heart and your fancy to develope this idea, through all its consequences. To me, *the anticipation*, merely, is delightful; and, in spite of Mr. Harvie's doctrine to the contrary, I believe *the reality* would be still more so. Will you not think of this? Take medical counsel upon it, and let me know the result?

Yes!—there is nothing more true than what you say. "When we must die, there is nothing like a well-grounded hope of future happiness, except a perfect faith, which removes all doubt." I thank God that I have lived long enough, and seen sorrow enough, to be convinced that religion is the proper element of the soul, where alone it is at home and at rest. That to any other state, it is an alien, vagrant, restless, perturbed and miserable,—dazzled for an hour by a dream of temporal glory, but awaking to disappointment and permanent anguish. It is the bed of death which chases away all these illusive vapours of the brain which have cheated us through life, and which shows us to ourselves, naked as we are. Then, if not sooner, every man finds the truth of your sentiment, the importance of a well-grounded Christian hope of future happiness. We need not, indeed, so awful a monitor as a death-bed, to convince us of the instability of *earthly* hopes of any kind. We have but to look upon nations abroad, and men at home, to see that everything under the sun is uncertain and fluctuating; that prosperity is a cheat, and virtue often but a name. Look upon the map of Europe. See what it was

fifty or sixty years ago—what it has since been, and what it is likely to become. Formerly partitioned into separate, independent and energetic monarchies, with vigorous chiefs at their head, maintaining with infinite policy, the balance of power among them, and believing that balance eternal: France, in the agonies of the birth of liberty, her *campus martius* resounding with *fetes*, in celebration of that event: the contagion spreading into other nations: monarchs trembling for their crowns, and combining to resist the diffusion of the example: the champions of liberty, and Bonaparte among the rest, victorious every where, and every where carrying with them the wishes and prayers of America. Yet now see, all at once, the revolution *gone*, like a flash of lightning; France suddenly buried beneath the darkness of despotism, and the voracious tyrant swallowing up kingdom after kingdom. The combining monarchs thought that they were in danger of nothing but the propagation of the doctrines of liberty; but ruin has come upon them from another quarter. The doctrines of liberty are at an end, and so are the monarchies of Europe —all fused and melted down into one great and consolidated despotism. How often have I drunk that Cæsar's health, with a kind of religious devotion! How did all America stand on tiptoe, during his brilliant campaigns in Italy at the head of the army of the republic! With what rapture did we follow his career; and how did our bosoms bound at the prospect of an emancipated world! Yet see in what it has all ended! The total extinction of European liberty, and the too probable prospect of an *enslaved* world. Alas! what are human calculations of happiness; and who can ever more rely upon them!

If we look to the state of things in our own country, still we shall be forced to cry, "all is vanity and vexation of spirit." Look at the public prints with which our country is deluged, and see the merciless massacre of public and private character, of social and domestic peace and happiness. Look at the debates in Congress. Where is the coolness, the decorum, the cordial comparison of ideas for the public good, which you would look for in an assembly of patriots and freemen, such as was seen in the old Congress of 1776? Nothing of it is now to be seen. All is rancour, abuse, hostility and hatred, confusion and ruin.

* * * * * * *

According to my present impressions of happiness, I would not exchange the good opinion of one virtuous and judicious man, for the acclamation of the millions that inhabit our country; not that these would not be grateful,—but as for taking them as a basis of happiness, I would as soon think of building a house on the billows of the sea.

* * * * * * *

Yours most sincerely,

Wm. Wirt.

CHAPTER XVII.

1809.

HIS SERVICE IN THE LEGISLATURE.—PREFERENCE FOR PRIVATE LIFE.—LETTERS TO EDWARDS.—LITERARY DREAMS.—ACRIMONY OF PARTY POLITICS.—EDUCATION.—MISGIVINGS IN REGARD TO THE GOVERNMENT.

WIRT'S service in the Legislature of Virginia, during the session of the winter of 1808–9, was the beginning and end of his connection with public life through the medium of popular election. This assumption of the character of a representative, may be regarded rather as an accident in his career than the result of any meditated plan. He seems to have been impressed with the conviction that popular favour was too frail a staff for a wise man to lean upon for support, however useful it might sometimes be to enable him to walk more rapidly upon his journey, or leap over an occasional impediment in his path. Confiding in his ability to move onward without this help, he preferred the success which was to be won by his own labours in a private sphere, to the renown which he might reasonably have expected from the exhibition of his talents upon the stage of public business. We may not impute this determination to a want of civic virtue. We have seen that no man in the community of which he was a member was more prompt than he to make a personal sacrifice to public duty when it seemed to be required; nor was there any who felt a more lively concern in the progress of public events. We have the proof of this in the readiness with which he volunteered his services in expectation of the war, and in the zeal with which he participated in the great question of the presidential election. We may infer from these incidents, that he would not have refused a summons to the duties of public station, if he had believed that his personal submission to such a call were enjoined upon him by any clear exi-

gency which could not have been met by other citizens as well adapted to the service and more anxious to undertake it. His modest estimate of himself, so apparent in his letters, suggested to him, doubtless, that no such exigency could exist, and thus justified him in the resolution he had adopted. The theory of our government clearly implies a duty on the part of every citizen, to render such service to the state as may be necessary to the conduct of its affairs, and which it may be in his power to contribute. Where the people make this demand upon any one citizen, his refusal to comply with it can only be justified by the fact that others as capable may be found, or that his compliance may expose him to the sacrifice of important personal interests, such as the community have no right to ask of a citizen except in some great public emergency. It does not often happen that an occasion arises to test the strength of this obligation, and, therefore, it is but little familiarized to the reflections of the people,—although we are not without notable and illustrious examples in our history, of the grave submission of the wisest and most enlightened patriots to its dictation.

During the brief term of Wirt's service in the Legislature, we have to note his participation in a proceeding there which attracted much public attention in the State, from its connection with an exciting topic of national concern. The interesting posture of our affairs, in relation to the principal belligerents of Europe, had fallen under the notice of the Legislature in some resolutions upon the subject, which were referred to a special committee, of which the delegate from Richmond was one. A report upon the resolutions was drawn up by him. This report presented a review of the French decrees against American commerce, and of the British orders in Council, in both of which the country had found so much to vex and exasperate the national pride. The theme was treated with the spirit characteristic of the time, and furnished occasion for the expression of strong and indignant language, pointed and polished with all the skill which the author was able to employ. In his review of the subject, the course of Mr. Jefferson's administration was brought into notice, and was vindicated with the zeal of an advocate impelled not more by conscientious approval of the wisdom of its policy, than by warm personal friendship for the leader by whom it was directed.

With this brief reference to the short political episode in the career of the subject of my memoir, I continue his letters.

TO BENJAMIN EDWARDS.

RICHMOND, February 26, 1809.

DEAR SIR:

* * * * * * *

And now let me tell you how grateful I feel for this, "the longest letter that you have written since the commencement of your disease." It is so perfectly in the style of your conversation that I heard the sound of your voice in every line, and saw every turn in the well-remembered expression of your face. * * * *

There are parts of your letter which make me smile. You wish me to aspire to the Presidency of the United States:—this is so much like your Mount Pleasant talk! *Then*, it was extravagant enough, although at that time I was but sixteen or seventeen years of age, and had a whole life before me to work wonders in; but *now* you seem to forget that I am in my six-and-thirtieth year, by which time the colour of a man's destiny is pretty well fixed, and that besides being so old, I have yet a fortune to make for my family before I could turn my thoughts to politics. No, no, my dear friend, I make no such extravagant calculations of future greatness. If I can make my family independent, and leave to my children the inheritance of a respectable name, my expectations, and, believe me, *my wishes*, will be fulfilled. For the office of Secretary of State, under Mr. Madison, I am just about as fit as I am to be the Pope of Rome:—nor ought I, nor would I, accept it, in my present circumstances. It would be to sacrifice my wife and children on the altar of political ambition. I have no such ambition, and my not having it, is one among a thousand proofs that I am unfit for that kind of life; for nature, I believe, never yet gave the capacity without the inclination. I am writing unaffectedly and from my heart. I know enough of the world to know that political power is not happiness, and that my happiness is nowhere but in private life and in the bosom of my beloved family. I think I may be able to attain distinction enough in my profession to have it in my power, in ten years, to retire from the bar into the country, and give myself up to the luxury of literature and my fireside. You will say that this is selfish—that a man's first duty is to his country; and you will tell me of Curtius, and Cato, and Brutus. I admit the grandeur of their virtues, but I am neither a Curtius, a Cato, nor a Brutus. There are thousands of my countrymen better qualified than myself for those high offices, and as willing as capable. Should I attempt to give myself the precedence to such men, it would not be love of country, but self, that would impel me.

The wish to see my country prosper is not compatible with a wish to see the reins of government in hands that are unfit to hold them; and to wish them in my own, would be to wish them in such hands. Hence my duty to my country is so far from opposing that it accords with the real wish of my heart for independence and domestic peace. These are the principles by which I am regulating my life, and I should be almost as sorry to have them disturbed, as a Christian would the foundations of his faith.

Monroe is certainly a virtuous and excellent man. I opposed his election, but my opinion of him is unaltered. By-the-bye, my dear wife, who is a good federalist *by inheritance*, drew her pencil through that part of your letter in which you speak *of the federalists and tories* who supported his election. She wanted to show your letter to her mother; but as both her father and mother are federalists *of the first water*, and supported Monroe, she was afraid that this passage would defeat the effect which she wished the letter to produce—that is, to inspire them with the same love and respect for you which she feels herself. I think it a misfortune to Monroe that he had the support of which you speak; but as it was unsolicited and undesired by him, I do not think he ought to be blamed for it. I wish the federalists were all like you—Madisonian federalists; and I wish the republicans were all like him,—that is, tolerant, candid, charitable and dispassionate. I should then have some hopes of the duration of the republic;—but as it is, may Heaven protect us! If you knew Mr. Jefferson personally and intimately, you would know him to be among the most simple and artless characters upon earth. His fault is, that he is too unguarded: if he had more of General Washington's reserve, he would be less in the power of his enemies than he is. I do not know that this would make him a more *amiable* man, but it would make him a happier one.

* * * * * *

I am delighted with the account you give me of Cyrus' parts. Has he read Locke's Essay on the Human Understanding? If not, I wish he would try it: I consider it a pretty good test of a young man's vigour. When I was about fourteen years old, a friend made me very flattering promises, if I would read Locke through twice, and produce a certificate from a gentleman whom he named, that I was master of his meaning. He intimated that I should be considered as a sort of phenomenon if I achieved this task. It was on Sunday, I recollect, when I received this letter; and I went instantly to Parson Hunt's library, took out the book, and, spreading a blanket on the floor, up stairs, laid down flat on my breast,—the posture in which I had been accustomed to get my Homer's lesson, and which I therefore supposed was peculiarly favourable to the exertion of the mind. I was soon heels over head among "innate ideas," subjects which I had never before heard of, and on which I had not a single idea of any kind,

either innate or acquired. I stuck to him, however, manfully, and plunged on, pretty intelligently, till I got to his chapter on "Identity and Diversity," and there I stuck fast, in the most hopeless despair; nor did I ever get out of that mire, until I again met with the book in Albemarle, when I was about twenty-three years of age. Even then, as I approached the chapter on Identity and Diversity, I felt as shy as the Scotch parson's horse did, when repassing, in summer, part of a road in which he had stuck fast the preceding winter. Cyrus is two years beyond the time at which I made the experiment, and I do not doubt that he will bound over it like the reindeer over the snows of Lapland. Locke is certainly a frigid writer to a young man of high fancy. But whoever wishes to train himself to address the human judgment successfully, ought to make Locke his bosom friend and constant companion. He introduces his reader to a most intimate acquaintance with the structure and constitution of the mind; unfolds every property which belongs to it; shows how alone the judgment can be approached and acted on; through what avenues, and with what degrees of proof, a man may calculate with certainty on its different degrees of assent. Besides this, Locke's book is auxiliary to the same process for which I have been so earnestly recommending the mathematics; that is, giving to the mind a fixed and rooted habit of clear, close, cogent and irresistible reasoning. The man who can read Locke for an hour or two, and then lay him down and argue feebly upon any subject, may hang up his fiddle for life: to such a one, nature must have denied the original stamina of a great mind.

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That Heaven may restore and confirm your health, and continue to smile with beneficence upon yourself and your family, (who, I believe, are as dear to my heart as the closest consanguinity could make them,) is the devout and fervent prayer of

Your friend,

WM. WIRT.

The next letter contains a pleasant day-dream, characteristic of the ambition of the writer, but which, unfortunately, was never realized. We may smile at this picture of hopes, which the contingencies of after life may be said rather to have displaced for others more brilliant, than to have disappointed.

TO BENJAMIN EDWARDS.

RICHMOND, June 23, 1809.

MY EVER-HONOURED FRIEND:

Yours of the 15th ult. reached this place a week ago. I was then in Norfolk, in the Admiralty Court, and learned, with sorrow, by a letter from my wife, your inability to meet us at the Springs. In

consequence of this, our own resolution of going thither is very much shaken; and I doubt much whether we shall go higher up the country than to my wife's sister's, Mrs. Cabell, who lives in Buckingham, a county bounded to the west by the Blue Ridge. There we shall get the mountain air, avoid a hot journey and a good deal of expense, which we would have encountered cheerfully, in the hope of meeting you and some portion of your family. This inducement removed, the objections to the jaunt remain without a counterpoise; and we must submit with as good a grace as possible to the disappointment, still cherishing the hope that, by some means or other, at some place or other, we shall yet meet before we bid adieu to the world. In the meantime, lest it should be otherwise, from your parental anxiety for me, I am sure you would be glad to know what is to become of me, and how I am to pass through life. I have looked into this subject of my future life with a vision as steady and distinct as I can command, and now give you the result. In the course of ten years, without some great and signal misfortune, I have reason to hope that I shall be worth near upon or quite one hundred thousand dollars in cash, besides having an elegant and well-furnished establishment in this town. I propose to vest twenty-five thousand dollars in the purchase, improvement and stocking of a farm somewhere on James River, in as healthy a country as I can find, having also the advantage of fertility. There I will have my books, and with my family spend three seasons of the year—spring, summer and fall. Those months I shall devote to the improvement of my children, the amusement of my wife, and perhaps the endeavour to raise by my pen a monument to my name. The winter we will spend in Richmond, if Richmond shall present superior attractions to the country. The remainder of my cash I will invest in some stable and productive fund, to raise portions for my children. In these few words, you have the scheme of my future life. You see there is no noisy ambition in it; there is none, I believe, in my composition. It is true I love distinction, but I can only enjoy it in tranquillity and innocence. My soul sickens at the idea of political intrigue and faction: I would not choose to be the innocent victim of it, much less the criminal agent. Observe, I do not propose to be useless to society. My ambition will lie in opening, raising, refining and improving the understandings of my countrymen by means of light and cheap publications. I do not think that I am Atlas enough to sustain a ponderous work: while a speculation of fifty or a hundred pages on any subject, theological, philosophical, political, moral or literary, would afford me very great delight, and be executed, at least, with spirit. Thus I hope to be employed, if alive, ten years hence, and so to the day of my death, or as long as I can write any thing worth the reading. Voltaire (voluminous as his works now are, as bound up together) used to publish, in this way, detached pamphlets: and so did many others of the most distinguished writers

in Europe,—all the essayists and dramatists, of course, and many of the philosophers. This mode of publication is calculated to give wider currency to a work. There is nothing terrible in the price, or the massive bulk of the volume. The price is so cheap, and the reading so light, as to command a reader in every one who can read at all, and thereby to embrace the whole country. May not a man, employed in this way, be as useful to his country as by haranguing eloquently in the Senate? The harangue and the harangue-maker produce a transient benefit, and then perish together. The writer, if he have merit, speaks to all countries and all ages; and the benefits which he produces flow on forever. To enjoy them both would be, indeed, desirable to a man who could feel sufficient delight in the applause of his eloquence to counterbalance the pain which the cabals, intrigues, calumnies and lies of the envious and malignant would be sure to inflict upon him. This I think I could never do; and I shall, therefore, attempt that kind of fame which alone I can find reconcilable with my happiness.

By perusing these two pages, you may look forward through futurity to the end of my life, and, from the point on which you now stand, take in my whole prospect. One thing, at least, your adopted son promises you; that he will transmit to his posterity a name of unblemished honour: and he flatters himself that in future time, they will look back to him as the founder of a race that will have done no discredit to their country. This is vanity, but, I hope, not vexation to your spirit:—for with whom can I be free, if not with you? I flatter myself that you have that kind of love for me, which would make you desirous of seeing how I shall conduct myself through life; but since, in the ordinary course of things, this cannot be, the next degree of enjoyment is to see it by anticipation, and for this purpose it is, that I have been trying to lead you to the summit of Pisgah, and show you my promised land.

But enough of it. Your letter gives a view of the advanced life of parents, not the most cheering that could be imagined. But then, those children whom you went to Kentucky to live with, although widely dispersed, are all in the road of honour, prosperity and happiness. They could not have remained with you always: you should not have desired it. They were to be established in the world; and you have the delightful knowledge that they are well-established. What a feast is this reflection to a heart like yours! Contrast it with the idea of their always having remained about your house, your daughters old maids, and your sons lazy old bachelors. You would have had their company, indeed,—but what sort of company would it have been? And if you once admitted the idea that they were to be married or settled, I am sure you were not chimerical enough to expect that they would all settle around Shiloh, like so many small bubbles surrounding a large one. I doubt very much the happiness of a

neighbourhood so constructed, even if it were reasonable to expect such a construction. I incline to think that distance gives you a juster value for each other, and that when you do meet, your happiness makes up in intenseness what it wants in frequency; so that upon the whole, the sum of your happiness is pretty much the same.

But, my ever honoured friend, any man with your practical judgment must have foreseen this result—that your children would marry, and that their own parental duties would force them to follow their fortune wherever she pointed the way. And how happy is your fate compared with that of hundreds, thousands and millions of other parents. No child has ever wounded the honour of your house. You have no reprobate son to mourn: no daughter's ruin to bring down your gray hairs with sorrow to the grave. How many are there who have! When I think of these agonizing, soul-rending calamities, I almost shudder at the idea of being a father. "Yet in Providence I trust."

I had heard of Ninian's wish for the governorship of the Illinois, from himself, and had written to Mr. Madison (whom I know very well,) my impressions of his (Ninian's) character. I know not whether the change of office is for better or worse; and am sorry to learn that you think it against reason and judgment. The office, I presume, will impose more labour upon him, and be more likely to embroil him in quarrels and trouble. But will not these be balanced by the power which he will have of providing for his children, and ushering them advantageously into life?

I am happy to hear that Cyrus has laid siege to the mathematics. He will, no doubt, soon be tired of it, and when he is so, he ought to turn to Rollin's account of his namesake's siege of Babylon, to see what patience, enterprise and heroism can achieve; and, though he may not see at present the benefit which is to result from his labours, he will feel it by-and-bye, when the arguments of his adversaries fall before him like the walls of Jericho at the sound of the horns.

By-the-bye, my wife is afraid that you took too gravely her little gayety in pencilling some of the lines of your letter touching the federalists. I told her that, *to my sorrow*, you were a federalist too; and that your observation could scarcely have been intended to cover the whole of a party to which you yourself belonged. The act was, as it related to herself, a mere sally of sportiveness; and in this light she begs you to consider it. I have some hopes that, in time, I shall have better luck with her than Paul had with Felix; that I shall altogether persuade her to be a good republican. This will be the effect, however, of living long together, and wearing down, by slow degrees, the little federal asperities which her parents gave her; that is to say, if my own political asperities, as being made of softer stuff, do not give way first. You know that in rencontres of this sort, men have not much to expect beyond the pleasure of being vanquished.

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Here is another long and vapid letter. No wonder this time, for I have written under the pressure of about ninety-six degrees of heat. My wife and children unite with me in love to you, Mrs. E. and our brothers and sisters. Heaven bless you, restore you to health, and preserve you to your family.

Yours,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 21, 1808.

MY DEAR FRIEND:

I have this moment your favour of the 18th inst., for which I thank you from the bottom of my heart. I love your letters. They are your very self. God bless you. You give me great pleasure.

Yes! — your brother Peter, the General and myself, had indeed planned a trip to Washington, this winter, which was to embrace you, and into which "*my brother the Governor*," Cabell, (as old S—— used to say of Patrick Henry,) entered with all his soul, as soon as mentioned; but you know we have Burns' authority for saying that "the wisest schemes of mice and men gang aft awry."

We were at the Springs, and looked at the subject at a very great distance, — too great a distance to discern the obstacles that might oppose our design. Now that we have come to the starting point, I find that the trip would break in, materially, on my professional engagements for the winter, and disable me from taking the field, in the spring, with the advantage I ought. This is no fictitious obstacle. Our courts are, at length, all up, and I have set in to do what, to my shame, I have never done before,—prepare, through the winter, for the combats of the succeeding year, leaving nothing for future preparation, but future business. Thus, our first court is the Chancery: I lay my docket before me, take up my first cause, and prepare the notes of my argument in that, before I quit it; so, to the next, and so on through that docket, and every other in which I am concerned. Thus I come out, in the spring, as Billy Pope says, like a *sarpent*. Is not this an object sufficiently important to justify the *declension* of the jaunt to Washington? Yet how I should enjoy it! I have no doubt of the truth of your opinion, that these men loom larger from their distance. We know those who cope with them, and who at least equal, if not surpass them; and even these are but men.

No, my dear friend; I know you are too manly and dignified to flatter any one, much less a friend; and I know few men, very few indeed, (if one,) whose judgments are so little liable to be warped from the truth, by prejudice and partiality. Yet, when you speak of its being of any peculiar importance to me to become known to

the great men of the nation, I am lost in the attempt to conjecture your meaning.

The course of politics is neither for my happiness nor fortune. I am poor. While I continue so, it is my first duty to think of my wife and children, unless my country were placed in an emergency, from which I, alone, could redeem her: a crisis, the possibility of which, it is not very easy to conceive.

My wife says that she should feel my safety no where more secure than in your hands; for, let me tell you (aside) that you are a rare, a very rare instance, in which there is a perfect coincidence in opinion, between her and myself, as to the taste and friendship of my associates. I have heard General M—— make a complaint against his wife, that *his* greatest favourites were seldom *her's*. I suspect the reason with both our wives, is pretty much the same,—to wit, that some of our greatest favourites are apt, occasionally, to tempt us into frolics. My wife has seen, that this is not the case with you; for you never cross the line of the temperate zone, and there is no mist of prejudice, therefore, between her judgment and your good qualities. At the good qualities of several of my other friends, she is obliged to look through the smoke of cigars, and the vapours of the grape; a medium so impenetrable to her, that I cannot account for her having ever conceived a partiality for me, except by the obscurity with which I was thus surrounded, and the force of her imagination. But, mark me, I am speaking only of past years. For, sir, I have made a large collection of old law reporters, with the plates of the authors in front, Coke, Grotius, Rolle, Vaughan, &c. I see, from the faces of these men, who lived so shortly after Shakspeare, (and, indeed, of old Coke and Dyer who lived with him,) that this great poet was painting from nature, in this, as well as in every other instance, when he imputed to these men of the law, "the eye severe, and beard of formal cut." It was, no doubt, owing to their recluse and austere life, and the intensity of their studies, that they contracted this severe look. I bar the beard; but, in other respects, if the same cause is to produce the same effect, look to see me with razor eyes cast a little to one side, in all the severity of thought, and muscles fixed as marble, when next you see me.

To be sure, I had two-and-twenty gentlemen, yesterday, eating venison, and drinking wine with me. But this, sir, was only a parenthesis; and, I am too well read in Blair, to admit many of them, because I think, with him, that nothing is more apt to darken a man's understanding, if not to extinguish it altogether.

I'll tell you what, sir, I begin to feel like somebody in this world. My son is beginning to read, and my daughter writes her name very smartly; and it gives me, I can tell you, no small consequence in my own eyes, to be the parent of two such children. I have a notion of making my daughter a classical scholar. What do you say to it?

She is quick, and has a genius. Her person will not be unpleasing, and her *mind may* be made a *beauty*. This course of education will, indeed, keep her out of the world until she is seventeen years old; but, I think, so much the better,—for I would not wish her to be married under twenty, which, if she is attractive, would be very apt to be the case, if she enters the world, as is usual, at fourteen. What do you say to all this? Commune with me, as a friend, upon this.

I should like our girls, four or five years hence, to be corresponding in French. Does not your heart spring at this idea? If not, you are no father to my mind.

My wife desires to be affectionately remembered to yours. So do I too, and both of us to you,—which is a rhyme unintended.

Greet your brothers kindly in my name, and all our friends.

Need I tell you what you so well know, that

I am, as ever,

Your friend,

WM. WIRT.

These letters indicate a settled determination, at least for the present, to avoid the engagements of public life. Wirt, in common with many grave and reflecting men of that time, often fell into a desponding tone of remark upon the future prospects of the country. The absolute ferocity of party politics at that day, alarmed them. Never since that period,—although our later experience upon this point is not without abundant examples of an extreme of harshness—never have political divisions been attended with so widely diffused and so bitter a spirit of personal rancour and denunciation. In the artful exhibitions of talented demagogues, perhaps, the present generation may be entitled to claim a greater skill and a more pervading influence, than that which preceded it; but at the time to which we refer, society was more distinctly marked and separated by party lines than it ever has been since. Considerate men regarded this temper in the people with anxiety and doubt as to its ultimate effect upon the institutions of the country, and they felt unhappy forebodings of a catastrophe which many believed not to be far distant. The public mind has since grown familiar with these tempests, and, finding how easily the ship rights itself after a heavy blow, has dismissed its apprehensions and learned to look with confidence and composure upon the supposed dangers which filled the hearts of the past generation with dismay.

In the following letter to Mr. Edwards, we shall find the utterance of some gloomy misgivings as to the fate of the Union, which may be said to express an opinion not confined to the writer. The first portion of this letter touches a question of education, and may be profitably perused by every youthful aspirant after professional success.

TO BENJAMIN EDWARDS.

RICHMOND, December 22, 1809.

MY DEAR FRIEND:

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I think you are rather hard upon my brother Ninian, when you speak of the Quixotic schemes which he has carried to his territory. It strikes me that a fellow who has made his way through the presidency of a Court of Appeals, to the government of a Territory, deserves to have his solidity a little better thought of. I suspect that the Knight of La Mancha would never have achieved such adventures as those. I own that I cannot see what he will gain by the exchange, except (what I should suppose he has no need of) land: but he has displayed so much soundness of judgment that I do not doubt motives exist sufficient to justify his conduct. I am sorry that Cyrus is deprived of McAllister. I hear this man every where spoken of as a prodigy of learning and mental force; not very well qualified perhaps for the instruction of children, but highly so for the instruction of young men,—and Cyrus is now a young man. McAllister, I am told, is distinguished for the clearness and cogency of his style of reasoning. What a treasure would such a man be to a young man of genius and enterprise who was destined for the bar! This power of analysis, the power of simplifying a complex subject, and showing all its parts clearly and distinctly, is the *forte* of Chief Justice Marshall, and is the great *desideratum* of every man who aims at eminence in the law. Genius, fancy, and taste may fashion the drapery and put it on; but Reason alone is the grand sculptor, that can form the statue itself. Hence it is that I have been so anxious for Cyrus to cultivate the mathematics—not for the sake of being a mathematician, but to give to his mind the habit of close and conclusive reasoning. I hope he will still be placed in some situation where he may pursue this science. I would have him mathematician enough to be able to comprehend and repeat, with ease, by calculations of his own, Sir Isaac Newton's mathematical demonstrations of the principles of natural philosophy. Locke says, if you would have your son a reasoner, let him read Chillingworth: I say, if you would have him a reasoner let him read Locke. I think you will find that the mathematics and Locke will put a head in his tub; for, what you censure is not, I apprehend, any defect in the faculty of memory, but rather the inatten-

tion and volatility so natural to his time of life, for which there is no better cure than what I am recommending.

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As to my country's calling for *my* aid, you make me smile!—yet, if such an improbable thing should ever come to pass, you will find that your lectures on patriotism have not been lost upon me. Alas! poor country! what is to become of it? In the wisdom and virtue of the administration I have the most unbounded confidence. My apprehensions, therefore, have no reference to them, nor to any event very near at hand. And yet, can any man who looks upon the state of public virtue in this country, and then casts his eyes upon what is doing in Europe, believe that this confederated republic is to last for ever? Can he doubt that its probable dissolution is less than a century off? Think of Burr's conspiracy, within thirty-five years of the birth of the republic;—think of the characters implicated with him;—think of the state of political parties and of the presses in this country;—think of the execrable falsehoods, virulent abuse, villanous means by which they strive to carry their points. Will not the people get tired and heart-sick of this perpetual commotion and agitation, and long for a change, even for king Log, so that they may get rid of their demagogues, the storks, that destroy their peace and quiet? These are my fears. Heaven grant that they may prove groundless! It may be for the want of that political intrepidity which is essential to a statesman that these fears have found their way into my mind—yet I confess they do sometimes fill it with awe and dismay. I am sure that the body of the people is virtuous; and were they as enlightened as they are virtuous, I should think the republic insured against ruin from within. But they are not enlightened, and therefore are liable to imposition from the more knowing, crafty and vicious emissaries of faction;—and the very honesty of the people, by rendering them unsuspicious and credulous, promotes the cheat. They are told, for instance, that this administration is in French pay, or under French influence; and that this country, although nominally free, is, in effect, a dependant and a province of France. That the taxes which they pay to support their government, instead of being applied to these purposes, are remitted to their master in France, to enable him to complete the conquest of Europe, and hasten the time of his taking open possession here. The people who live amid the solitude and innocence of the country, who read or hear this tale well vamped up, and see general items pointed out, in the annual accounts of expenditure, which are declared to cover these traitorous remittances—what are they to think—especially when the tale is connected with a long train of circumstances, partly true and partly false, growing out of the actual embarrassments of the country? Would it be surprising, if, thus worked upon for four years, with the vile and infamous slander sanctioned by assertions on the floor of Congress,

they should precipitate Mr. Madison from the Presidential seat, and place one of his calumniators in the chair of state? And then, when "vice prevails and wicked men bear sway," "what ills may follow," Heaven only can foretell.

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Yours, forever and aye,

WM. WIRT.

CHAPTER XVIII.

1810.

RESUMES THE PURPOSE OF WRITING THE BIOGRAPHY OF PATRICK HENRY. — CONSULTS MR. JEFFERSON ON THIS SUBJECT. — LETTERS TO CARR. — NEW ENGLAND ORATORY. — THE SENTINEL. — LETTER TO B. EDWARDS. — DEATH OF COLONEL GAMBLE. — THE OLD BACHELOR. — LETTERS CONCERNING IT.

IN the lives of professional men, there is generally but little incident of that kind which is adapted to give interest to the narrative of the biographer. The pursuits of a student, whether in the field of professional science or of literature, present little for notice beyond the record of his acquirements and opinions. That engrossment of the mind, which constitutes the delight and profit of a life devoted to study, necessarily withdraws the student from an active participation in the affairs of his fellow-men; and, to the same extent, deprives his career of that various fortune, of which the lights and shades communicate so much interest to personal history.

We have seen, in the progress of Mr. Wirt, a steadfast devotion to his profession, marked by a regular and continued advancement to eminence,—eminence which, it is apparent throughout his career, he was fully persuaded was only to be won by unremitting study. All other pursuits were subordinate to the great object of his ambition, a well-merited renown in his profession. In his estimates of this renown, and of the means by which it was to be fairly earned, he was guided by the example of those distinguished men who, in the history

of the profession, both in ancient and modern times, had illustrated it by the highest accomplishments of general scholarship. The bar of the United States, by no means deficient in the highest order of ability, affords but few instances of that accurate and full scholastic training, without which no man can be said to be entitled to the reputation of an accomplished jurist. Looking to the leading members of the profession amongst us, we have too much cause to remark that, with some rare and brilliant exceptions, there is a lamentable want of conversancy with those subsidiary studies, which not only grace the reputation of an eminent lawyer, but are even indispensable to it. We discern, in men of the highest professional repute, a lack of scholarship, a deficiency in philosophical and historical study, and a neglect of literature and science, which contrast most unpleasantly with their acknowledged vigour and capacity of mind. This defect may be sometimes traced to the want of the means and opportunity, in early life, for elemental study. Some distinguished men of the American bar have won their way to fame against the impediments of a straitened fortune, and in the privation of all the customary aids of study. In respect to these, it may be said that their want of accomplishment bears honourable testimony to the labours of their progress, and rather signalizes what they have achieved, than subjects them to reproof for what they have left unattained. The great majority of the most prominent members of the profession, however, have not this excuse. They are men, for the most part, of liberal education, trained in the college, with all the means and appliances at hand for the highest and most various cultivation. That they have not availed themselves of these means, we may attribute, in a great degree, to the fact that the community at large do not appreciate these acquirements sufficiently to allow them much weight in the formation of the popular opinion of professional excellence; that the student is not stimulated to these additional labours by any public judgment of their worth, and that he need not, therefore, burden himself, in his preparation for his arduous race, with any additional weight of study. His dream is of popularity rather than of that fame which is to live beyond his own day. He covets the applause visibly bestowed in the listening forum, or more substantially manifested in the golden return, rather than that invisible, remote and

impartial renown which settles, late and long, upon the works and the memory of the ripe and polished scholar. Something is due also to other causes: amongst these, that rapid and precocious advance to large practice at the bar, of which we have so many examples. This early success, bringing with it profit and popular applause, is often the source of a double mischief; first, by satisfying the ambition of the aspirant; and, second, by persuading him that nothing is to be gained, in the enlargement of his studies, to compensate him for the time it must subtract from his business. We may find another reason in the extraordinary predominance of that talent for public speaking, which is so remarkably characteristic of our people. The admiration of the masses for this talent; the ready plaudit with which they are often but too ready to reward that specious, fluent, superficial, glittering eloquence, with which they are most familiar, seem to have engendered the opinion that even the depths of juridical science may be fathomed by this plummet of the gift of speech, and the highest honours of professional distinction be won by the wordy triumphs of the forum.

Wirt's aim was to build up his reputation upon a more solid base To this end, he read and thought much, in those departments of study, which not only liberalize the mind by broad and comprehensive views of human knowledge, but also supply it with the stores of illustration, analogy and comparison; and, in equal degree, strengthen its power of discrimination and logical deduction. To this end, also, he habituated himself to the use of his pen, and almost incorporated the practice of writing into a system of self-improvement, as a point of daily discipline.

In accordance with this plan of study, he had ever some literary project in hand, to which he gave a portion of his time. It was not, however, always that, in the pressure of his forensic engagements, he could gratify this purpose, without too large a sacrifice of immediate personal interest; but we remark in his letters, how much this literary scheme engrossed his thoughts, and beguiled the severer occupations of his profession.

The purpose of writing a biography of Patrick Henry, which, as we have heretofore remarked, had been contemplated, in connection with a work embracing a number of other distinguished men of Vir-

ginia, was now resumed. In reference to this design, Wirt wrote the following letter to Mr. Jefferson:

TO THOMAS JEFFERSON.

RICHMOND, January 18, 1810.

DEAR SIR:

About four years ago, you were so good as to state that if the Life of Henry was not destined to come out very speedily, you would endeavour to recollect what might be of service to it; and that, having run your course with him for more than twenty years, and witnessed the part he bore in every great question, you would perhaps be able to recal some interesting anecdotes.

I do not refer to your letter as constituting a promise, or giving me any manner of claim on you. I do not regard it in that light; and have merely reminded you of it as an apology for the renewal of my request. In truth, so great is the inconsistency of the statements which I have received of his life and character, and so recent and warm the prejudices of his friends and his adversaries, that I had almost brought my mind to lay aside the project as one too ticklish for faithful execution at the present time. But every day, and especially every meeting of the Legislature, convince me that the times require a little discipline, which cannot be rendered so interesting in a didactic form, as if interwoven with the biography of a celebrated man: and although I know very many much better qualified to give this discipline than myself, I hear of no one who is disposed to do it. It is for this reason, only, that *I am* so disposed.

Mr. Henry seems to me a good text for a discourse on rhetoric, patriotism and morals. The work might be made useful to young men who are just coming forward into life: this is the highest point of my expectation; nor do I deem the object a trifling one, since on these young men the care and safety of the republic must soon devolve.

As for the prejudices for and against him, I shall endeavour to treat the subject with so much candour, as not justly to give offence to any one. I think this may be avoided without a sacrifice of truth. Of this, and consequently of the expediency of publishing at this time, I shall be better able to judge when the work is finished; which, I hope, it will be this summer, unless the ill health of my family should again send me a travelling.

I should feel myself very much indebted to you, if, during the leisure which I hope you are now enjoying, you could make it matter of amusement to yourself (I would not wish it otherwise,) to throw together, for my use, such incidents touching Mr. Henry as may occur to you.

I never heard nor saw Mr. Henry, and am, therefore, anxious to

have a distinct view of the peculiarities of his character as a man, a politician, and an orator; and particularly of the grounds and points of his excellence in the latter aspect.

It would very much animate and enrich the biography to add to it a striking portrait of the characters of the eminent men with whom he acted. I am the more especially anxious for a portrait of Richard H. Lee, because I understand that he was the great rival of Mr. Henry in eloquence. I have heard the late Governor Page say that he was the superior.

Will this not be adding too much to the trouble which I am already seeking to give you? But I beg you to feel no difficulty in disposing of the whole request as it may suit your convenience.

If, instead of being an amusement, you think it would be troublesome to you, I should be much more sensibly obliged to you to decline it altogether than to encounter the trouble: since, with every wish for the peace and enjoyment of your future life,

I am, dear sir,

Your obedient servant,

Wm. Wirt.

The expectation of completing this Life of Patrick Henry in the course of the year in which this letter was written was not fulfilled. The work referred to, was not given to the public until several years afterwards.

Wirt had projected a visit with Dabney Carr and some other friends, to Washington, during the session of Congress, "to see the lions" there, and amuse themselves by an intercourse with the magnates of the nation. He was, however, obliged to forego this frolic,—as it was meant to be,—and to remain at home, with an eye to his business, which was now rapidly increasing, very much to the benefit of his purse, though not in the same degree to the promotion of his comfort. In reference to this trip, he writes the following letter:

TO DABNEY CARR.

Richmond, January 19, 1810.

Yours of the 9th, my dear friend, reached me last night. It is undoubtedly an eloquent letter, for it put me exactly in the state of the twelve signs of the zodiac that surround the pedestal of the sleeping Venus, at Monticello; it was a smile and a tear, from beginning to end; which is better proof of the merit of the letter than if it fitted Aristotle's square in every part.

It is in vain to sigh about it; go I cannot. In ten days more, begins our Court of Chancery; and then I have no rest (not for a day,) till August. My scheme of winter's preparation has been a good deal unhinged by a spell of sickness, from which I am just recovering; but I shall not suffer the vacation to pass entirely without profit.

This, I suppose, will find you in Washington. I wish you may meet with all the enjoyment you anticipated. John Randolph has not gone on; and to hear him speak was the *primum mobile* of Peter's project and mine. I am very anxious to hear John Randolph · they tell me that he is an orator, and I am curious to hear one; for I never yet heard a man who answered the idea I have formed of an orator.

He has ever been ambitious, and I do not doubt that from the time he was seventeen years old, he has been training himself, most assiduously, for public speaking. He has formed himself, I fancy, on the model of Chatham; but the vigour of Chatham's mind, and that god-like fire which breathed from him, were not to be imitated.

By-the-bye, I think this business of imitation always a badge of inferiority of genius; most frequently an injudicious business, too — since the imitation has generally little other effect than to remind the hearer or reader of the superiority of the original.

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God bless you forever and ever,

WM. WIRT.

Our New England friends will smile at the account given of their oratory, in the following extract from another letter to Carr, written, I have reason to suppose,—for it is without date,—soon after the last, and whilst Carr was in Washington. I need not say, that the estimate here made of New England eloquence and character, was rather an echo of the absurd prejudices then current in the South, than any deliberate opinion of Wirt's own. We shall find hereafter, that no man was either more able or more willing to do full justice to the many virtues of our Northern brethren than he. In the mean time, this sketch of them may be noticed to show to what a different point of the compass the opinion of forty years ago turned, upon the topic of this letter, from what it does now.

TO DABNEY CARR.

* * * * * *

"I fear you will find but little amusement in the formal cant of the New Englanders. I never heard one of them; but I suspect that

Callender has, at least, coloured the picture of the national manner high enough when, in drawing Dexter he says, 'Mr. Dexter has a great deal of that kind of eloquence which struts around the heart without ever entering it.'

"The impression which I have received of them is, that they are trained, like the disputants in the old schools of logic, to be equally ready for every subject: that they *can* speak on any one with equal volubility;—but that there is no more variation of feeling, nor consequently of expression in them, than in the brazen mask which covered the face of the actor in Rome."

* * * * *

With all Wirt's disinclination to embarrass himself with the duties of public station, he was ever ready to enter the field of political contest in defence of his friends or the party to which he was attached. To both of these, he had, more than once, rendered most effective service, and this was acknowledged by the public in the popular approbation which he heard expressed from all quarters, and especially from the distinguished men in whose behalf he had laboured. He had, as we have seen, been one of the first to reprove that attempt to produce a schism in the republican party which, in the then recent presidential contest, had divided the friends of Mr. Madison and Mr. Monroe; and the letters of "One of the People," had a very extensive circulation through the State. The authorship of those letters, although not confessed to the world, was every where well known, and gave to the writer a conspicuous position in his party.

An occasion was presented, during this summer, to bring him once more before the public. Mr. Madison's administration was assailed with great asperity. Some of the protestors of 1808 were in open war against it, and political hate had lost none of its harshness, nor its industry in the tactics of assault. To breast this opposing force of querulous denunciation of Mr. Madison and his friends, Wirt published a few essays with the title of "The Sentinel." These papers were written in a different style from his former political compositions; were more free of that ambitious declamation which may be noticed in some portions of the letters of One of the People. His object in this change of style was to mislead the public as to the author; but the public, accustomed to the flavour of his pen, were not deceived by the assumed disguise, and he became as well known for these essays

as for the former. "I hope I shall be prudent some time or other," he says in a letter to Carr, "though I sometimes doubt whether my scribbling so much in the papers is an evidence of it. I suppose I am to subject myself to some personal reflections in the press for the portrait of Randolph. I should have no objection to being treated as candidly as he has been; but when they lay hold of me, they maul me in a different style. But as Bullock's countryman said, about being called 'Billy' before the Governor, 'I didn't care for *that* !'"

We have, in the letters of Wirt, occasional reflections upon his own career, which are particularly adapted to the instruction of the young. He seems to have been moved, at many periods of his life, to record in his letters the results of his experience in the difficulties he had encountered, with some conviction that he owed it to the rising generation to warn and guard them against the dangers which that experience had taught him were so greatly to be dreaded. These frequent passages in his letters, as well as the general scope and aim of his literary compositions, may be said to present him somewhat conspicuously in the character of *the Friend and Instructor of youth*, a title which I am happy to find, has been more than once recognized by the young men of the United States, in the formation of societies bearing his name, and whose pursuits are directed to the course prescribed by his inculcations. A few extracts from a letter to Mr. Edwards, at the period to which our narrative has arrived, will be read as an illustration of these remarks.

TO BENJAMIN EDWARDS.

RICHMOND, May 8, 1810.

MY DEAR AND REVERED FRIEND:

* * * * *

I have, indeed, great cause of gratitude to Heaven. I will not say that Providence has *led* me, but that, in spite of the reluctant and rebellious propensities of my nature, it has *dragged* me from obscurity and vice, to respectability and earthly happiness.

In reviewing the short course of my life, I can see where I made plunges from which it seems clearly to me that nothing less than a divine hand could ever have raised me; but I have been raised, and I trust that my feet are now upon a rock. Yet can I never cease to deplore the years of my youth, that I have murdered in idleness and folly. I can only fancy, with a sigh of unwilling regret, the figure which I might have made, had I devoted to study those hours which

I gave up to giddy dissipation, and which now cannot be recalled. I have read enough to show me, dimly and at a distance, the great outline of that scheme of literary conquest, which it was once in my power to fill up in detail. I have got to the foot of the mountain, and see the road which passes over its summit, and leads to the promised land; but it is too late in life for me. I must be content to lay my bones on the hither side, and point out the path to my son. Do not charge these sentiments either to a weak and spiritless despondency or to sluggish indolence. I know that a good deal may yet be done, and I mean, as far as I can, that it shall be done; yet, comparatively, it will be but a drop in the bucket. Seven-and-thirty is rather too late for a man to begin his education; more especially when he is hampered by the duties of a profession, and in this age of the world, when every science covers so much ground by itself. What a spur should this reflection be to young men! Yet there is scarcely one in ten thousand of them, who will understand or believe it, until, as in my case, it comes home to the heart, when it is too late. I now think that I know all the flaws and weak places of my mind. I know which of the muscles want tone and vigour, and which are braced beyond the point of health. I also think I know what course of *early* training would have brought them all to perform their proper functions in harmonious concert. But now the character of my mind is fixed; and as to any beneficial change, one might as well call upon a tailor, who has sat upon his shop-board until the calves of his legs are shrivelled, to carry the burthens of a porter; or upon a man whose hand is violently shaken with the palsy, to split hairs with a razor. Such as it is, it will probably remain, with a little accession, perhaps, of knowledge. You will do me injustice if you infer, from what I have said, that I am sighing with regret at those distant heights of political honours which lie beyond my reach. I do not know whether to consider it as a vice or virtue of my nature,—but so far am I from sighing for political honours, that I pant only for seclusion and tranquillity, in which I may enjoy the sweets of domestic and social love; raise my faculties, by assiduous cultivation, to their highest attainable point, and prepare for that state of future existence to which I know that I am hastening. Nor should I propose to myself, in such solitude, to forget what I owe to my country: on the contrary, I think I could be much more solidly useful, in that situation, than in one more public and active. So strongly are my hopes and wishes fixed on this life of sequestration and peace, that if you ever hear of my having entered on a political course, you may rely upon it that it is a painful and heart-rending sacrifice to a sense of public duty. I hope and trust that such an emergency is scarcely possible. I am sure that it is very improbable; because I believe there will always be those who are much better qualified for public offices, and certainly far more anxious for them than I am. At the same time, I think our country is, at

present, very badly supplied with materials for future legislation and government. I cast my eyes over the continent, in vain, in quest of successors to our present patriots. There seems to me a most miserable and alarming dearth of talents and acquirements among the young men of the U. S. I have sometimes sat down and endeavoured to fill the various offices in the government with characters drawn from those who are made known to us, either personally or by fame. But so far am I from finding among them a man fit for a president, that I cannot even find persons fit for the heads of departments. What has become of the talents of the country? Are they utterly extinct? Or do they merely slumber; and does it require another great convulsion, like our revolutionary war, to rouse their dormant energies? I myself think that it proceeds, in a very great degree, if not altogether, from defective education. Our teachers themselves either want learning, or they want the address necessary to excite into vigorous action the powers of the mind. Young men are everywhere turned loose, in the various professions, with minds half awake, and their surface merely a little disturbed with science. This is not the way great men have been made, either in Europe or America. As long as this system is pursued, we shall never have any thing but political quacks.

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You will no doubt have seen, in the public papers, the loss we have suffered in the premature death of my wife's father, Col. Robert Gamble. In the full enjoyment of health and strength, of uncommon mental and corporeal vigour, in the active and prosperous pursuit of his business, his children all established, surrounded by his grandchildren and an extensive circle of sincere and fervent friends, and with the fairest prospects of earthly happiness opening around him on every hand, he was suddenly killed, on the morning of the 12th instant, by a fall from his horse. He was a faithful soldier of the revolution, a sincere and zealous Christian, one of the best of fathers, and honestest of men.

* * * * * * *

Yours,

WM. WIRT.

The last portion of this letter refers to an event which deprived the society of Richmond of one of its best members. Colonel Gamble had served with credit, during the revolutionary war, and engaging in commerce soon after its termination, had amassed, as we have heretofore had occasion to remark, a considerable fortune in Richmond, where he lived, honoured and beloved by all who knew him, illustrat-

ing the benevolence of his character, by many acts of kindness and charity to those around him.*

The succeeding letters will show that the occupations of the courts, to which some amusing reference is made, had not blunted the edge of the writer's literary appetite, nor entirely deprived him of the leisure necessary for its indulgence.

TO DABNEY CARR.

RICHMOND, September 9, 1810.

MY DEAR FRIEND:

I received, in regular course of mail, your favour of the 27th ultimo. Briggs' is really a hard case; and I will endeavour, although it will be irregular, to introduce the Court of Appeals to a more intimate knowledge of it than the records will furnish.

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My ink was rather too thick to write with pleasure, so I have thinned it, and mended my pen;—and now, sir, here 's at you!

Why, yes, sir, as you say, it is a pleasant thing to lead the life of a county court lawyer; but yet (as one of Congreve's wittol squires said, when his guardian bully suffered himself to be kicked, and called it pleasant) "it is a pleasure I would as soon be without." Yet I doubt not that your sum of happiness is as great, if not greater, than if you were a "general court lawyer," as the phrase used to be.

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* He was born in the neighbourhood of Staunton, where his father, an emigrant from Scotland, possessed a good landed estate. At the breaking out of the war, he entered the service as a subaltern officer, having just married a Miss Grattan, who had, at an early age, come with her parents from Ireland, being remotely connected with the family of the distinguished leader of the Irish Parliament of the same name. Col. Gamble served until the peace, and then established himself as a merchant in Staunton, whence he removed to Richmond. Here he lived in the enjoyment of an elegant hospitality, and in intimate association with that circle which was made up of Chief Justice Marshall and his contemporaries. He was in the habit of riding every morning to his counting-room, from his residence on Gamble's Hill, as it is yet called in Richmond. He thus met his death. April 12th, 1810, he was riding at a leisurely pace down one of the streets, near the river, reading a newspaper, and giving but little attention to his horse. It happened that some buffalo-skins were thrown from the upper story of a warehouse, as he was passing it; his horse took fright, started and threw him, which produced concussion of the brain, and terminated his life in a few hours. He was then in his fifty-sixth year. He left behind him two sons, who now are both living in Florida, gentlemen deservedly esteemed for their personal worth, and two daughters, with whose history the reader is already partially acquainted.

Those same *returns* that you speak of—My God! does not a man, at such times, live as much in a minute as, in ordinary times, he does in an hour or a day? These are the breezes of which poets and orators sing, and say that they shake the atmosphere of life, and keep it from stagnation and pestilence. I know that *your* life would be in no danger of stagnation or pestilence, even if you were to live forever at home: yet I imagine that there is no man, however happy in the circle of his family, who does not find himself made more conscious of that happiness, and his feelings of enjoyment quickened, by these occasional separations. This is the way in which I reconcile myself to them; since, although not a county court lawyer *at this present*, I am doomed to these separations as well as you.

As to the labour and fatigue which you undergo,—look at the health which you derive from it, and the consequent clearness of brain, and capacity for happiness. Besides, mark the majestic *obesity* which you exhibit, in spite of all your exercise; and consider "what a thing you would be, if you were bloated," as Falstaff says, by inactivity.

When I think of the mountain scenery, the fine air, *the society of nature*, in Albemarle, I am convinced that nothing less than my being doomed, by my nativity, to the life of a wandering Arab, would have rolled me through Richmond, to Williamsburg, to Norfolk, and back here again. Even now, I can scarcely persuade myself that I am stationary, and should not be at all surprised, ten or fifteen years hence, (if I live so long,) to find myself in some valley, among the mountains of Pennsylvania.

But, to return to the life of a county court lawyer.—("Sir," say you, "you ought not to wish to *return* to it."—I hate a pun: so, *Allons!*)—What I object to it for, is the very thing I ought most to covet, the corporeal labour to which it subjects one, (not meaning of a pun, of course—Curse these interlineations! how they puzzle one! —but the life of a county court lawyer;) for, as to the fatigue of the mind, I do suppose that we are much more oppressed than you are. Our courts, for example, have now begun, and we have no more intermission from labour, not even during the Sabbath, until about Christmas. The few last days of December, and the month of January, belong to us; and then, from the first of February to the first of July, we are slaves again. Even the intervals between these sessions, if we were wise, ought to be devoted to preparation for the ensuing campaign; so that it is literally by playing the truant, that we have a day of rest from our labours.

Now, sir, think of this, and remember that it is on me you would pack the labours of "the Sylph," because you are too busy.

I much fear the Sylph is doomed never to see the light. Professional labours thicken around me this fall, and it will require the most intense application on my part, to keep pace even with the progress of my little name. This prospect does not cheer me. I feel as if the

waves were closing over my head, and cutting me off from all that delights me. To be buried in law for eight or ten years, without the power of opening a book of taste for a single day! "O horrible! horrible! most horrible!" O for that wealth that would enable me to wander at large through the fields of general literature, as whim or feeling might direct, for days and weeks and months together, and thus to raise, enlighten, and refine my mind and heart, until I became a fit inhabitant for those brighter fields of light that lie above us!

Do you think that a fellow, after *wrangling and crangling* (as Daniel Call says) for twenty or thirty years on this earth, is fit to go to heaven? Don't you think he would be perpetually disturbing the inhabitants by putting cases of law, and that he would be miserable for the want of a dispute? If so, well may it be said, "Wo unto you, ye lawyers!"—The which "wo" I think it might be wise in us to interpret quadrupedantically, and cease from our wicked labours. But what can we do? "Ay!—there's the rub that makes calamity of so long life; that makes us rather bear the ills we have, than fly to others that we know not of." But more of this anon. For the present, with love to Mrs. C. and your children, not forgetting Frank, adieu. I am alone,—my wife is gone back to Cabell's,—but, nevertheless,

Your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 17, 1810.

MY DEAR FRIEND:

A bill introduced by Blackburn to increase the number of Judges in the Court of Appeals has been made the order of this day.

This measure, I apprehend, is too important to be disposed of immediately; but I consider it as the harbinger of all the great measures of the session, and the signal for debate. I would recommend it to you, therefore, to be here in the course of this week, or at all events, by Sunday.

I am told that, in point of abilities, we have a better House now than we have had for several years. Those who make it so must, however, be all young men, except Colonel Monroe; and of the young men our system of education is too defective to expect much. How little does it resemble a Roman senate!

Can you conceive any pleasure superior to the enjoyment of hearing a debate, on a great public measure, conducted by such men as Cicero, Cato, Cæsar, and their compeers;—that pleasure which Sallust so often tasted, and of which he has left us such brilliant specimens? What stores of knowledge had those men; what funds of argument, illustration and ornament; what powers of persuasion, what force of reason, what striking and impressive action, what articulate and melo-

dious elocution!—yet each speaker marked with a character of his own, which distinguished him from all the world,—the sportive amenity of Cicero, the god-like dignity of Cato.

How interesting must it have been to listen to Julius Cæsar, and watch the sly operations of that ambition which he must have curbed with so much difficulty! I think it is Plutarch who tells us that Cicero said of Cæsar, "that when he saw him adjusting his locks with so much care, he could not help regarding him with some degree of contempt, as a fop and a trifler; but when he heard him speak, he trembled for his country!" or something to this effect.

But, without going back to Rome, how little does any House that we have had for some years past resemble the House in which Jefferson, Pendleton, Henry, Richard H. Lee, Wythe, Bland and others were members; or the Convention which ratified the Constitution; or the Assembly of '99–1800, in which Madison, Giles, John Taylor of Caroline, Brent, Swann, Tazewell and Taylor of Norfolk were members!

Yet, without any extraordinary prejudice in favour of antiquity, I apprehend that we have never yet, by any of our Houses, matched a Roman senate *as a whole*. The system of education at Rome seems to have been such a one as to turn out *every young man* accomplished, at all points, for the service of his country. And when a young man was emulous of any thing extraordinary, he visited and received the instructions of every foreign school distinguished for science or eloquence,—as we see in the example of Cicero,—and thus extracted and mingled the sweets of every exotic and indigenous flower.

When will our young men ever take these pains? For I persuade myself that nothing is necessary but a general exertion, "a heave together," aided by a judicious course of education, to make the people of this country equal to any in the world, ancient or modern.

In the few instances of eminent exertion which have occurred, a weight of mind has been attained which has rarely, if ever, been surpassed; that is to say, the exertion has produced the effect which was aimed at—knowledge, strength, discrimination; but this exertion has never been pointed with such success at the art of public debating, as to bring us near old Rome.

I see, in the last number of Rees' Cyclopædia, a remark extracted from Thilwall's Lectures on Elocution, which seems to me very just: he says that our inferiority to the ancient orators consists not in the substance of what we say, but in the manner of it—that is, in elocution, which includes every thing that relates to the delivery, more particularly the articulation and intonations of the voice, together with the time, as musicians call it.

To this purpose, what engines were the public schools of eloquence among the Romans, and still more, perhaps, the extemporaneous lectures of the travelling philosophers from Greece! What whetstones

to the emulation of young men, the splendid examples of rhetoric which those philosophers were every day exhibiting, and the raptures of applause with which they were heard! Compared with such incentives as these, how dull and low is every thing we see in this country! —a jig upon the banjo of an ash-covered negro, compared with an anthem on Handel's organ!

I am still of the opinion that an extemporaneous lecturer, well fitted for the office, might perform wonders for the young men of this country. What might not Ogilvie have done, if his enthusiasm had been backed by the genius and mellifluous eloquence of Plato!

It is true that experimental philosophy and revelation have taken away the themes of the Roman and Grecian philosophers, in a very great degree; but themes enough still remain in physics, ethics, politics, &c. Think of such a man as Parson Waddell, the master of a school of eloquence!

Here I am betrayed into an essay, when I only sat down to announce to you that I thought it was time for you to come hither. It is well enough, however, to keep down your expectations, and prevent such another disappointment as you experienced last winter at Washington.

Some years ago, Ritchie drew a character of Tazewell, in which he accounted for the deficiency of the State Legislature, by saying that all our talents had gone into Congress. What would he be able to tell an observer, now, who should travel with him from Richmond to Washington, so as to see both Houses? But enough of this.

We shall look for you about Friday, and thenceforward till we see you.

I expect Peachy also; and Billy Pope is to be in town at the same time. He is full of anticipation.

Remember us affectionately to Mrs. C.; and give my love to your brothers.

WM. WIRT.

TO DABNEY CARR.

RICHMOND, December 24, 1810.

MY DEAR FRIEND:

Your two favours of the 18th and 20th were brought me yesterday morning, while at breakfast. And although the intelligence that we were not to see you till the 10th January was a drawback, to which I am not yet reconciled, I read both your letters, but especially the last, with unusual pleasure.

* * * * * *

I shall immediately announce your day, both to Pope and Peachy.

The author of the essays on the United States Bank, is a very intimate friend of mine, and one who is very strongly disposed, and

anxious to be equally intimate with you. It is Richard E. Parker, the Judge's grandson, a captain of horse in our legion,—*infandum renovare dolorem!*—and a nephew of the Colonel Parker who fell at Charleston.

* * * * * *

He is a fine fellow, although there is nothing in him very striking to a stranger. As a member of the House, he was not popular. He spoke his mind, on all occasions, without reserve, and was constantly treading on somebody's corns. He wanted experience, to give him the allowable policy and insinuation of a popular speaker. But I think his pen promises to be a very fine one. He is studious, emulous, and is already, I think, a versatile and graceful writer.

* * * * * * *

He was with me the other evening, and I imparted to him our project of a series of moral and literary essays, with which he was delighted, and agreed to contribute, provided I would sit at the helm, to preserve the unity of course and character, and expunge, alter or reject, any thing he should send which did not meet my approbation; a circumstance which I mention as marking his modesty and discretion, and as giving you my pledge, (since you do not so well know him,) that your co-responsibility with me will not be increased by such an auxiliary.

I mentioned to him, that you and Frank would contribute, and he is very anxious to know you both. I will endeavour to have him in Richmond when you come down; for, at present, he has gone home to Westmoreland, enraptured with the scheme, and has promised that I shall soon hear from him.

Before he went, we agreed, for the reasons which I believe I suggested to you,—the too palpable fiction, want of community of character and interests, and *unmanageability*,—that the Sylph would not do. So I have hit upon another, the Old Bachelor, of which you will see two numbers, by the same mail which carries this.

I like the plan myself, much. It gives scope for all sorts of composition; and, I think, the adopted children of the Old Bachelor will enable us to interweave something of a dramatic interest with the work.

I shall assign the young doctor to Frank, and the young lawyer to Parker. You and I will manage the Old Bachelor and the Niece. How do you like it, and the beginning numbers?

I wish you to bring down the Sylph with you, and Frank's essay upon Doctor Rush's opinion about the inferiority of women, in the form of a letter, addressed to his Uncle the old Bachelor, the key-note of which he will see in the third number. It need not have the air of being intended for publication, but of being a letter written to his uncle in the ordinary course of correspondence.

Your story of Polemo and Xenocrates, affected me almost to tears; but they were tears of pleasure. You tell it exquisitely, and beat both Boyle and Valerius Maximus, the original reporter of the story, out of sight. I shall have it in the Old Bachelor. It will make a brilliant catastrophe to an essay on temperance.

I am now going to take a liberty which nothing but our old and fraternal friendship could justify. You have powers, of which you do not seem conscious; powers which require but a little exertion, on your part, to unfold them to the public eye, in the van of the distinguished men on the continent. If you would devote your hours of rest from your profession, to science and literature on a bold scale, and practise your pen in composition, you would soon burst from the shell of your district, and take the station for which nature designed you.

Neither Voltaire nor Marmontel ever told a story better than your Polemo. I mention *them*, because I think your pen bears a striking resemblance to their ease, volubility, and sprightliness.

O! how would it greet my soul, to lay hold of your arm, and travel with you up the steep, to that same Temple with the female trumpeter on its summit, with wings expanded and on the last tip-toe of flight, to speed her news.

You know me too well, to believe these remarks complimentary, or as fishing for compliments to myself. They are from my inmost soul, and proceed from an earnest desire to have you all that nature has formed you capable of being. I think you owe it, too, to the memory of the man whose name you bear; and who, if he had lived to the ordinary stage of life, would not have consented to expire in a corner, in obscurity, and leave no trace of that name on the rolls of Fame.

When I first knew you about fourteen or fifteen years ago, you felt as you ought to do on this subject. But I fear that Louisa and Fluvanna have almost extinguished the generous spark. Let us see if we cannot rekindle it in the Old Bachelor. I am, myself, determined, at least, to spare no exertion for the improvements of the mind, which I have too long wanted. It is late, indeed, to begin; but both Scaliger and Hobbes studied mathematics after forty. That is some consolation. O! for such a fortune as would give me all my time to spend as I please! But, since this is vain, let us do the best we can, and let us endeavour to stimulate our countrymen to surpass us.

The man who could rouse this nation from the indolence and lethargy of peace, and spur them on to put forth all their powers, would deserve a place in the bulletin of to-morrow.

Tell me that you do not take these personalities amiss, and tell me that you take me at my word.

* * * * * *

Our love to you all.

Wm. Wirt.

CHAPTER XIX.

1811.

THE OLD BACHELOR.—CONTRIBUTORS TO IT.—CHARACTER OF THE WORK.—AMUSING CORRESPONDENCE BETWEEN WIRT AND CARR IN REFERENCE TO IT.—CARR'S PROMOTION TO THE BENCH.—THE POST OF ATTORNEY-GENERAL VACANT.—WIRT SPOKEN OF.—HIS THOUGHTS UPON IT.—LETTER TO HIS DAUGHTER.—EMPLOYED BY MR. JEFFERSON IN THE BATTURE CASE.—CORRESPONDENCE WITH MR. J. IN REFERENCE TO DUANE.—MR. MADISON AND MR. GALLATIN.

THE letters given in the last chapter, have reference to the publication of "The Old Bachelor." The essays, under this title, were commenced in November, 1810, and were continued during the greater part of the succeeding year. We have had frequent occasion to notice the strong inclination of Wirt's mind for literary enterprise. The hope of achieving something honourable to himself in this way, his letters show us, was the prevailing fancy of his meditations, and his pleasantest dream of the future. Exercise in literary composition, we have remarked also, was a prominent observance in his scheme of self-discipline and study. The Rainbow, which, the reader may remember, had employed his leisure a few years ago, was more recently succeeded by an enterprise of the same kind, — the publication of some essays, under the title of "The Sylph," of which but a few numbers had seen the light, before they were abandoned for the better-considered and more mature scheme of the Old Bachelor. The Old Bachelor reached thirty-three numbers. It is a series of didactic and ethical essays, put together somewhat after the model of the Spectator, and other works of that class, which once obtained such attractive popularity in English literature. It is not too much to say of these essays, that they may be compared, without disparagement, with the best of those of Addison and Steele. The Old Bachelor was originally published in the Enquirer. These papers were afterwards

collected in two volumes, in which shape they reached a third edition, and are now eminently deserving of republication, as a most instructive and agreeable production of American literature.

In this enterprise, Wirt was assisted by several gentlemen of Virginia, amongst whom he seems to have turned, with the surest expectation of valuable aid, to his friend and comrade, Carr.

In the dramatis personæ of the Old Bachelor, the chief part is borne by Dr. Cecil, which was sustained, exclusively, by the pen of Wirt, himself, and engrosses much the largest share of these volumes. A letter from Squaretoes, in the ninth number, I believe, is all that was contributed by Carr. Galen and Alfred were consigned to two young friends, Dr. Frank Carr, of Albemarle, and Richard E. Parker, a gentleman, who was subsequently a member of the Senate of the United States. Melmoth was furnished by Dr. Girardin, of Richmond, the author of a valuable history of Virginia. There were some other contributions supplied by Judge Tucker, David Watson, of Louisa, and Mr. George Tucker, who has, since that period, attained to high distinction, as a professor of moral philosophy in the University of Virginia, and as the author of the biography of Mr. Jefferson and other works of approved value, which have brought him to the acquaintance and esteem of a large number of readers throughout the Union. There may have been other contributors to the Old Bachelor, whose names have escaped me.

Without underrating the papers which have been supplied by the coadjutors in the enterprise, we may say of those from the pen of Wirt, that they give the principal attraction to the book. They are, undoubtedly, the best of all his literary compositions; and, in the perusal of them we are constantly led to repeat our regrets, that one so endowed with the most valuable and, at the same time, pleasant gifts of authorship, had not been favoured by fortune, with more leisure and opportunity for the cultivation and employment of a talent so auspicious to his own fame, and so well adapted to benefit his country.

We have remarked of Wirt that his life is peculiarly fraught with materials for the edification of youth. His career is full of wholesome teaching to the young votary who strives for the renown of an honourable ambition. Its difficulties and impediments, its tempta-

tions and trials, its triumphs over many obstacles, its rewards, both in the self-approving judgment of his own heart, and in the success won by patient labour and well-directed study; and the final consummation of his hopes, in an old age not less adorned by the applause of good men, than by the serene and cheerful temper inspired by a devout Christian faith;—all these present a type of human progress worthy of the imitation of the young and gifted, in which they may find the most powerful incentives towards the accomplishment of the noblest ends of a generous love of fame."

We may discern in every studied literary effort of his a strong inclination to address himself more to the rising generation than to that which is passing away. His letters are full of this purpose. His many visions of future ease and enjoyment all seem to derive their attraction from the contemplation of the good he might confer in directing the education and pursuits of ingenuous and talented youth. The Old Bachelor is emphatically the realization of some such hope, long vaguely entertained, but now furnished with the means and occasion for utterance. It is a precious book for the young American reader: it deals in topics to excite his national pride and emulation: it points out his road to duty and renown with a delicate and discriminating skill; and beguiles him to the cultivation of the severest virtues, with a charm so potent as almost to convert the rugged and laborious track of discipline into a "primrose path of dalliance."

These essays have a peculiar merit from being the rapid and simple effusions of the mind of the author, thrown off with unaffected negligence, and frequently even without revision. They seem to have been, often, the unstudied suggestions of moments snatched from professional duty, and to have been committed to the press whilst yet glowing with the first ardour of composition. Occasionally we have an essay of the highest finish, and full of the impassioned eloquence of the writer; but we recognize, in the greater part of these papers, the reflex of a mind delighted with its task as a pastime, and flinging abroad its thoughts, like the involuntary transpirations of a healthy body, without a consciousness of effort or labour. Wirt's style has often been reproved, by judicious critics, for its profusion of ornament and too gorgeous display of rhetorical costume. His imagination has

been charged with too often taking the reins from his judgment. The ardour of his temperament, we must admit, not unfrequently has infused into his writings a glow which might be reduced in tone without impairing the strength of his style,—indeed, even adding to its vigour, and imparting to it a more classic severity. But the reader of the Old Bachelor will find these essays less open to that objection than, perhaps, any other of Wirt's compositions. They seem to be all the better for the unstudied haste in which they have been written. The young writer is often told, by way of precept in his art, to erase from his manuscript whatever passage has struck him in the composition as being particularly fine: Always suspect yourself when you perpetrate what you think fine writing; good taste is apt to revolt at the effort to produce what is called effect. The essays of Dr. Cecil furnish but few occasions for the application of this precept.

In the correspondence which now follows, the reader will peruse, with no little pleasure, the letters between the two friends who have been so frequently introduced into these pages. Wirt and Carr are here in communion, chiefly upon the topics of the Old Bachelor, and the impressions these essays were making upon the public. The correspondence, also, touches another subject in which the friendship of one writer and the modesty of the other are most agreeably illustrated. Some vacancies were about to take place in the arrangement of the Judiciary of the State, and Wirt was affectionately solicitous that his worthy friend should accept of an appointment to the Bench, which was likely to be offered to him. The letters will show, in a most attractive point of view, the disinterested and anxious regard with which Wirt pressed the acceptance, and the amiable self-distrust and diffidence with which Carr received the appointment when it was finally conferred upon him. Without further comment upon these pleasant passages between two excellent men, I submit to my readers these letters, partially abridged,—asking those who peruse them to keep in mind that they belong to a private, confidential correspondence, held at a time when the writers exulted in all the hopes of the prime of manhood, and spoke to each other in the playful temper of friends who had no secrets in their companionship, nor motive to suppress the expression of any, the wildest freak of the glad and jovial spirit which presided over their intimacy.

We take up this correspondence with an extract of a letter from Carr, which contains an amusing account of a visit he had just made to Dunlora, the seat, as the reader is aware, of his brother, Colonel Samuel Carr, in the neighbourhood of Charlottesville, where the Old Bachelor had been the topic of conversation. The work had, at this time, reached the twelfth or thirteenth number, and the author was still unknown, beyond a current suspicion. Carr had just returned from Richmond, where he had been Wirt's guest, and was, therefore, supposed to know all about the book. He had himself also written Squaretoes, in the ninth number, which the company at Dunlora had all read.

"I met there," he says in this letter, "Peter Minor and his wife, Dabney Minor and my brother Peter, who all made affectionate inquiries after you. Very soon, the conversation turned on the Old Bachelor. They seemed to think I must know all about it. I observed, gravely, if you were the author, you kept it very close, for you denied it to your best friends. 'As to that,' said Old Straws,* 'I feel as certain that he wrote the papers, as if I had seen him at it.' I remarked, that if you did indeed write them, you must have taken very little time about it, for that I was with you almost the whole time, and saw nothing of it. Peter Minor solved this doubt by saying, that he suspected the pieces were all written, for many numbers ahead, before any were published. Here my brother Peter put in again:—'As to Love-truth, he could not pretend to say; but Squaretoes, he was certain, was not by the Old Bachelor: he could see the pen of George Tucker in every line of it: the phrases were all his, particularly, 'I scorn your words.' As another proof that it was not by the Old Bachelor, he said, 'There was a warmth, and even a harshness, in the Bachelor's reply, in the next number, beyond what the occasion called for,—especially in his remarks on the Squaretoes library. For,' he maintained, 'there was not even a shadow of disrespect shown to the Bible by Obadiah: he was only enumerating the family books; and, amongst these, he gave the Bible the first place, and Mrs. Glass the last.' All this was nuts to me. By-the-bye, my wife is convinced as to the author of Squaretoes. You remember, I told you I suspected

* A jocular designation, it seems, of Peter Carr.

the bed of justice, held by Squaretoes and his dame, would be apt to betray me. It was even so. This, together with my abuse of ridicules, which she has often heard from me before, satisfied her. Frank also had his suspicions; but my brother Peter overruled him, with a voice of authority."

TO DABNEY CARR.

RICHMOND, February 10, 1811.

MY DEAR FRIEND:

Although rather tardy, I take the first twenty minutes I could call my own, since the arrival of your letters, to acknowledge the favour.

I enjoyed very highly the scene at Dunlora. The sage guesses of the two Peters, and the twisting of your mouth, and working of your eyebrows, which I discerned as distinctly as if I had been gifted with the old Domine's deuteroscopy.

* * * * * *

The Old Bachelor, you perceive, begins to show the effect of age. He moves slowly, and halts most horribly. The truth is, that the Court of Chancery has begun, and the old fellow cannot be expected, at his time of life, to carry double. Nothing from Parker yet. Is n't Frank ashamed of himself?

The vacation of ——— induced me to take an unauthorized liberty with a friend of mine, so far as to talk with some of the heads of the Lower House; but they were all preoccupied, or seemed "to smell the business with a sense as cold as is a dead man's nose;" and as I did not choose to commit that same friend on an uncertainty, I said no more. But it is inconceivable what an alarm the mere suggestion of such a rival produced among the candidates. Upon the whole, 't is all well.

* * * * * *

We are well. Cabell, his wife and Co., are here. Would you were with us!

I am in a storm of children. Our love to you and yours.

Dinner is just ready

WM. WIRT.

Carr had written another paper for the Old Bachelor,—a letter from Grace Squaretoes. He had no recognition of it from his friend, and had not yet received the short letter of the 10th, which we have just read.

FROM CARR TO WIRT.

CHARLOTTESVILLE, February 11, 1811.

MI CARE ERAS:

I take it, you are a man of your word,—a most rare example of a punctual correspondent. When we parted, your last injunction, enforced by a cordial shake of the hand, was, "write often."

* * * * * *

Nearly four weeks gone by, and not one line from you! No, not a word! Reflecting on this matter, I have supposed it possible that your silence has been caused by that same letter of Grace's. It was a hasty indiscretion, overlooked but once, and instantly closed and sent off. I have no doubt it is a poor thing. Now, I have thought it possible that, not finding it to your purpose, you have felt reluctant to tell me so, and seeing that you could not well write without saying something about it, you have been silent. If this should be the case, as I do not, in fact, believe, it would really mortify me,—not that the piece was rejected, but that you should have any difficulty in telling me so. * * * Could you think so poorly of me as to suppose, for a moment, I could not bear the rejection of a bagatelle of mine?

* * * * * *

I have ventured to let Old Straws into the secret. I thought it best; for, not being trusted, he felt no restraint and asserted as confidently that you were the author, as if he had had the most positive information. I was in hopes, too, he would contribute; and he has, indeed, promised me that he would try his hand.

* * * * * * *

Frank is still recreant, but he promises still. * *

TO DABNEY CARR.

RICHMOND, February 15, 1811.

MY DEAR DABNEY:

I have received your rebuke of the 11th inst., and would plead guilty to it if I had not written you, at least, one short letter, last Monday, and had not been so constantly occupied by the Court of Chancery and by company, as to leave me no time for any thing else.

Of the constancy as well as the importunity of these engagements, you will be able to form a proper estimate, when you discover that I have not been able, this week, to take even a short airing on my hobby, the Old Bachelor.

I acknowledge your goodness in having given me three excellent letters since your departure. Of that which describes the Dunlora

scene, I have already written. It was a good one. I entirely approve of your communication, since, to our brother Peter. Indeed secrecy, though I feel its importance now more than ever, seems to be impossible. Joe Cabell, to whom Read imparted it through mistake, told me, when I enjoined secrecy upon him, that I resembled the ostrich, hiding his head while his whole body was exposed to the world.

* * * * * *

Miss Grace is, I think, a lass of grace. But I will take the liberty of telling you, that I have seen you in moments of happier inspiration, when you could have made more of the damsel than you have done. When I wrote you on Sunday, I had determined to give her to the world, without touching one thread of her dress; but I think now, I will make free enough to alter a little the set of her cap and fixture of her tucker. No, sir, I have no more fear of offending or wounding you, by changing or rejecting one of your essays, than if it were one of my own; and, as I have taken both these liberties with several of mine, so will I take them with yours, as often as there shall, in my opinion, be occasion.

I beg you to continue the use of your stimulants to our brother Peter. He is a fellow of such various and ample reading, and of such just and copious thought and splendid diction, that I should think it impossible for any thing to fall from his pen, but what would do credit to the Old Bachelor. I should think he would shine in the department of criticism and of fancy. Cannot he give us an *oriental* or *occidental* tale, or an allegory, or any thing of that, or any other sort? The epistolary style would, perhaps, put him more at his ease; and, it would cost him very little effort, I should think, to address a letter to Doctor C——.

What you tell me of the increasing fame of the Old Bachelor, is calculated, in some degree, to dispel the lassitude that is beginning to creep upon me in relation to the old fellow.

I very frankly confess to you, (though I would not do it to every body,) that I am tired of the project, even before I have reached the principal subject, education. But, besides this, our courts are now made perpetual, and the Old Bachelor is rather in the way of my business. I do not mean, by this, that I have resolved to drop him altogether; but, that he will see the light much more rarely than heretofore.

I am only able to attend to him of nights; and these, besides the calls of the law, are very much at the mercy of visitors. To this latter cause it is, in a great degree, owing that there is no number this week.

Frank is a dastardly fellow. I had thought him a Corinthian — a lad of metal,—but I now discover that he is——no better than he should be. Parker has not given me a single line.

I have no more time to write now; and all this being about the Old Bachelor, does not look much as if I was tired of it.

Our love to you, and Mrs. C., and children.

WM. WIRT.

FROM CARR TO WIRT.

CHARLOTTESVILLE, February 18, 1811.

MY DEAR FRIEND:

* * * * * *

With respect to that *rebuke* of mine, as you call it, you know I only meant to show you that I was very anxious to hear from you; and, whenever I give you cause, or you take it into your head that I do, you shall abuse me in turn, and I will say, 'you are welcome, brother Shandy, if it were fifty times as much.'

Poor Grace! I certainly used her scurvily. My excuse is, that she was done up in too great a hurry. Alter not only her cap and tucker, but—asking her pardon—you may strip her altogether, if you like, and dress her to your mind. I fear, however, that the story my old master, Maury, used to tell his pupils a hundred times, of Pope and the link-boy, will be applicable to her. You knew the old gentleman. He doated on a good story. It was our practice to write a Latin exercise on a slate, and take it to him of a morning If there was any false Latin, he marked it with a pencil, and we had to mend it. When it was very bad, he sometimes rubbed out the whole. Then came the old story: 'Did you ever hear the story of Pope and the link-boy?'

'No, sir.'

'I'll tell it to you. Pope, the poet, was a homely little fellow, somewhat deformed. When any thing surprised him, or happened suddenly, he had a way of crying out, 'God mend me!' One night, as he was walking the street, he called a link-boy—a shabby-looking dog—to light him on his way. Presently he stumbled, and falling, cried out, 'God mend me!' 'Lord, sir!'—says the boy—'mend you? He 'd better undertake to make two new ones.'

The good old man was so pleased with the wit of the story, that the boys generally got off without further scolding.

* * * * * * *

Frank is, as you say, a terrible rascal. I tell him so, and abuse him shockingly. He is about it, and about it; but when he will be done, nobody knows.

TO DABNEY CARR.

RICHMOND, February 27, 1811.

MY DEAR FRIEND:

I snatch a morning before breakfast to thank you for your favour of the 18th.

* * * * * * *

You must excuse the tardiness of Miss Grace's appearance. I am reserving her till I have leisure to play the dressing-maid to her. But do not be alarmed for her native graces,—I shall do very little, and that little will not affect the simplicity of her appearance. I shall bring her out on a holiday, and make "the town-bred fair" blush at her superiority.

I have several correspondents on my hands, (I mean in my character of the Old Bachelor,) who embarrass me not a little. One of them, *entre nous*, is ———. But I am obliged to strangle his offspring in the birth, as monstrous: and monstrous you will think them, when you learn that they are to be rejected, while ——— is to be chosen. By-the-bye, we were too hasty in giving that promise; for I shall have so much ado to mend him, that I am, in relation to him, exactly within the rule of Pope's link-boy.

Yes, poor old Parson ———. I well know how he could tell the same story with unabated pleasure. *D'ye mind*—as the Scotch-Irish say, over the Ridge—the way he had of reciting Horace's Odes; asking you, in a conversational voice, rather *piano* and *in alto*, if you remembered that beautiful ode beginning, "Stet alta nive candidum Soracte," and, at the reciting part, dropping abruptly into the pulpit dirge? Well, he was a good old fellow, and I remember him with even more esteem and affection than I was conscious of feeling for him when living.

* * * * * *

I have another piece from G., rather better than the former. I have several, too, from G. T., two of which you will see in number fifteen—the letters from Vamper and Schryphel. All the rest of the number is Cecil's. To take the point of the concluding paragraph of O'Flannagan's letter, you must read the close of Blackburn's advertisement in the last Enquirer. He is the mathematical professor at William and Mary College; a capital mathematician, but one of the most imprudent of Irishmen,—which is saying a *bould word*.

* * * * * *

I have received, from various quarters, the most encouraging evidences of the success of the Old Bachelor. Doctor Hare, (who, I hope, as he and all his old friends do, has been brought back to life and his old constitution, by his late salivation,—having every evidence of health except flesh and strength, which he is fast recovering,—and

who desires to be most affectionately remembered to you,) Dr. Hare, *I say,* (Blair!) writes me that L. C. is enraptured with the Old Bachelor. They concur in thinking it will be of great service. Tucker writes that it is doing good to the country, and honour to its author. Judge Nelson calls it a most noble and honourable enterprise. * * * * These things, and many more which I hear, (such as that the subscribers to the Enquirer have very much increased, in consequence of it,) not only encourage me to go on, but enforce your sentiment that it is a duty; and on I shall go, as fast and as well as I can, for my professional engagements. In the meantime, you, who live in the country, must watch and tell me when my readers are getting tired, and when they censure either the matter or the manner.

* * * * * *

Frank is a scurvy rascal; and if he does not make haste, I will impale him in the face of that public to whom I have extolled him. After seeing what light things we occasionally publish, why should the rascal be holding *his* head so high? *His head,* did I say? "He has a head, and so has a pin." Let him take that, and put it in his pocket.

What from Don Pedro?

* * * * * *

I am—why need I tell you what?

WM. WIRT.

TO DABNEY CARR.

RICHMOND, March 8, 1811

MY DEAR FRIEND:

Our friend Kinney has long since informed you, in detail, *wherefore* (as our Chancellor says) we acted as we did in relation to you last winter: i. e., why we did not act at all. The judicial vacancy on which we had our eye, not having been created, there was an end of that project. Another has now occurred. James Pleasants has resigned the office of Judge of the Court of Appeals, and Tucker (this is, for the present, a profound secret which everybody knows) will resign in the course of the month. This creates two vacancies in the Court of Appeals.—Don't be alarmed;—it is not *that* court I am thinking of for you now.—But those two vacancies, *so as aforesaid created and to be created,* must be filled, and, it is pretty well ascertained, will be filled by Stuart and Cabell. To Stuart's circuit, I suppose Coalter will fall heir; and I presume you would not have Coalter's: but what say you to Cabell's? He says it is a most delightful circuit. It includes Powhatan,—in the which county, in the vicinity of Pleasants and Pope, you might easily locate yourself upon a little farm, and live in primeval innocence and happiness.

I know it is a heart-string-snapping sort of business, to quit Charlottesville and its purlieus. Would it then be possible for you so to

arrange with Coalter as to keep the Charlottesville district? These things you must think of, and arrange as you can.

* * * * * *

There is no division of opinion among your friends here, that you ought to accept, if it shall be tendered, an appointment by the Council; because, examining the subject with all possible calmness, we have no doubt of your confirmation by the Legislature; and of your appointment by the Council I have very little fear. There is Hare—(who is almost well, and who will be here by the time the appointment is made;)—well, there is Hare, Read, Wardlow, Randolph, Doctor Jones, who, I think, will certainly vote for you. Then you have an equal chance for the rest, who are Colonel Smith, (Geo. W.) Mims and Mallory: thus you see your chances. Will you come in, or will you not? *You see*, if you are elected, that is, appointed by the Council, there will be no occasion for your removal, or making any other arrangements, until we see whether you shall be confirmed by the Assembly; and if you should not, I suppose it will neither break your leg nor pick your purse materially. But should you be confirmed,—of which, I repeat it, there is no reasonable ground to doubt,—why, then, sir, you are *an honourable* for life; in a fair way to the highest honours of your profession; and, in fact, advanced to within a few jumps of the goal.

I pray you, weigh this matter, and be prepared to decide it, if you shall be called upon. I suppose we shall know the whole result before this month is out, or very early in the next.

I am in a great hurry; and so, with our love to Mrs. Carr, yourself and children,

I am, as ever,

Your friend,

WM. WIRT.

TO DABNEY CARR.

March 10, 1811.

* * * * * *

By-the-bye, let me boast a little: yet I am more ashamed of showing vanity before you than any other man in the world. I persuade myself, however, that the pleasure which a man feels at the approbation of the great and good is laudable, and scarcely deserves so degrading a name as vanity. If this point is settled in my favour, then I will tell you that R., who is just from Washington, says that the Old Bachelor has great éclat at head-quarters; that Mr. Madison had said, sir, (so I desire that you will pay proper respect to me, hereafter,) that he thought Mr. W.'s pen, at least, ought to redeem us from the censures of the Edinburgh Reviewers; that there was a chastity, an elegance, and a something else, which R. could not remember, in his

style, which charmed him. Now, sir, if R. did not invent this, *quod non constat*, it is a compliment. What makes me most dubious of it is, that, if there be any thing bearable in my style, the points of compliment which R. imputes to Mr. M. are not exactly those I should have expected. Chastity is the character of Mr. M.'s own style; as to mine, I have thought it about as chaste as Cleopatra in her attire. But enough, and too much, of me and my brats.

I conversed with Nicholas, yesterday, *de loco vacuo judicis*. He thinks it as plain as a pike-staff in our favour.

I have very little doubt of it, and advise you to hold yourself ready, *sub rosa*, to take a circuit on the first of April; for it will be, perhaps, a sudden thing.

About a place of residence, in case of your appointment,—you will see, by the range of Cabell's circuit, that it offers a variety, for it takes in Amelia, the neighbourhood of Giles, Eppes, and the Tabbs, besides Powhatan and Manchester.

In the latter place and its neighbourhood, there are a variety of beautiful tenements, and lots of from twelve to twenty acres, where you might raise a profusion of clover for your horses and cows; enjoy the fine prospect of Richmond, its Capitol, and picturesque hills and valleys, together with the whole *ambit* of James River, its falls and port; besides the power of our being with each other as long and as often as we please. What say you to this? And when old H—— dies—think of that, Master Brooke!—Q—E—D,—as Warden told the Court of Appeals. Now, d'ye see, *Judge Carr*, I think this a most capital plan. *By my conscience, as the Bishop says*, (for I love to quote my authority always,) I think *Judge Carr* has a most original, and, as it were, melodious sort of a sound.

To think what we are all to come to! Well, happy man be his dole, say I!—And that, of all the Carrs, the honour should light upon my old Louisa and Fluvanna comrade, with his grumbling and blue devils! Well, it is a long lane that has no turn, and an ill wind that blows nobody luck,—also, throw a crust of bread, &c.,—together with forty other proverbs that Sancho would pour forth on a like occasion.

If W. H. Cabell is elected, he will immediately come here to live. I think his brother Joe will come here too; and if you come to Manchester,—only think, with the aid of Davy, and Clarke *and I*, and occasional visits from our upland friends, what a society we may form! Shall we not find the foot-hold that Archimedes wished for in vain, and turn the world upside-down,—I mean the moral and literary world? I scarce think we could turn up a worse side; it is the deuce of clubs, or at least, *the curse of Scotland*. My spirits are in such a jig at this prospect, that I can scarcely hold my pen to write intelligibly; and at such a time, and on such an occasion, I scorn to write anything but nonsense.

For fear, however, of false inferences, you will please to be informed

that it is the forenoon, and I am just from church. So, sir, I scorn your suspicions.

Cabell went up home this morning. I wrote to Hare, and gave him your postscript, *verbatim et literatim.* You know it is about binding him, hand and foot, and deporting him, if he will not keep away from Richmond. Whereupon, I observed, that I believed you never would forgive him if he should even go so far as to come down only for a day or two to vote for you. I gave him to understand, indeed, that your appointment would probably depend upon it, but that he was not to mind that.

Now, are you not ashamed of that selfish twinge which leads you to wish that Hare would, at least, trust himself here until he could give his vote?—So you would endanger his health rather than not get the office!—O fie, fie, sir! However, believing that such would be your wish, to tell you the truth, I observed to him that I thought you would not be implacable for a short trip on this occasion; and he will certainly come, dead or alive.

Love to all.

Again yours,

WM. WIRT.

CARR TO WIRT.

CHARLOTTESVILLE, March 14, 1811.

MY DEAR FRIEND:

I dined at Monticello yesterday, and did not return home until a little after night. My children were put to bed; my wife and I sitting quietly by our happy fireside—I reading to her Lady Montague's letters—when suddenly it occurred to me that it was post day. I sent a servant immediately for my letters, who, returning, brought me yours of the 8th and 10th.

It would have diverted you, not a little, to see the flurry and flutter into which this threw us. It was the first time that the idea of elevation to the Bench, was brought distinctly before me. I had viewed it before as a distant possibility. Your letter made it, at least, probable that it would be offered to me, and that very soon. I cannot tell you what a feeling this produced;—a feeling which seems to increase as I think of it—something like a timid young girl on the eve of marriage. How will it be with me? Mounted on the bench, the officers of justice planted around, court opened, the bar lined with attorneys, every one thronging in to see the new judge, the grand jury sworn, proclamation made that his Honour is about to charge them—then the stormy wave of the multitude hushed into silence, and every eye bent upon me. What a tremour the idea gives me! Yet I will on.

* * * * * * *

TO DABNEY CARR.

Richmond, March 23, 1811.

My dear Friend:

Cabell is elected to the Court of Appeals, and your election is infallible. Out of six members who are here, it is ascertained that there are four who are for you. Hare, Read, Randolph and Wardlow:—how the remaining members are is unknown; but there is no probability of their concurring against you—and, if they do, your friends are resolved to hold the Council divided rather than give way. The point, it is supposed, will be decided on Tuesday next, and I regard you as elected.

Now, sir, I hope you will sit down, immediately on the receipt of this, and write your address to the grand jury.

Take care of your modesty; that is, beware lest it impair the energy and dignity of the judge. Don't go and be overwhelmed and panic-struck, as I was, so as to make people think "poor fellow, I dare say he wishes he was at home again."

You know that I am not such a simpleton as to find fault with that degree of modesty which unlocks the hearts of men, women and children, to a man. But I know that you do think, and ever have, for these fifteen years, at least, thought of yourself with too much humility. Now, although "in peace there's nothing so becomes a man, as modest stillness and humility, yet when the blast of *court* blows in our ears," and sheriff's *o-yes* bids the jury rise, "then stiffen the sinews, bend the muscles up, and imitate the action of"—Lord Mansfield.

These two appointments put a poultice on the bruises of the Legion and Clarke. "O, that right should thus overcome might,"—as the old woman says in the play, when she is meaning to complain of the oppression of power.

Sir, you are to make a great man. The organization of your mind qualifies you to scale the heights of Mansfield and Hardwicke; and your temper and manners will strew flowers on the path of your ascent.

You must read every book that Mansfield ever read; they are all to be had, and your leisure will now enable you to do it. Sir, you shall "bestride the lazy-pacing cloud, and sail upon the bosom of the air," and mark "the white up-turned eyes of *us* mortals that fall back to gaze on"—you.

I tell you again, that you can, and must, and shall stand upon the very summit, the pinnacle, the *apex* of judicial glory. I know it—I see it—and who shall say me nay?

Your circuit will bring you close to us. Chesterfield is only sixteen miles from us; Powhatan but thirty. You must come and see

us between terms; this, you know, is your home—but need I tell you this?

I will endeavour to get from Cabell, a statement of the difficult questions which he has suspended by an *advisari vult*, together with his authorities, notes, &c., and meet you, with them, somewhere upon your circuit.

Hare and myself count on your making such an impression throughout your circuit this spring and fall, that "*min* nor *divils*" cannot "*stap ye*" from being confirmed next winter.

It will be an awkward thing for you not to know the bar, and as awkward for you (a judge) to carry letters of introduction to the lawyers. I believe the best plan will be for Cabell to send a letter of introduction to some one prominent member of each bar, introducing him to you, and begging him to introduce his brethren to you, and the respectable country gentlemen around the court-houses. This will answer the purpose without letting you down.

* * * * * * *

My watch informs me that the mail has closed. I will, therefore, take my leisure, and write a little more legibly, since I have to depend on Frank to get this in as a way-letter. But I cannot write a very long letter, because I have to finish the nineteenth number of the Old Bachelor to-night.

I think your remark on ——'s letters is correct; the irony is too delicate,—it is cold. Yet, the pieces have played the deuce with the Old Bachelor here—they are said to be personal attacks; and, with the co-operation of my own seventeenth number, have subjected me to a good deal of ill-natured remark, as if I were lampooning the town. If such a notion as this were once to get on foot, all the benefits intended by the publication would be at an end. And, therefore, I sat down, immediately, and wrote the eighteenth number, to prevent any such pernicious effects. I believe it has answered the purpose. But I am very much trammelled by this impertinence in applying characters. It is much the liveliest and most impressive way of moralizing; yet I never draw a character without displeasing somebody or other. If it is wrong to draw characters, you are partly in fault, for you said to me, not long before you left me, "you must begin, presently, to draw characters." Why should not I? What right have the rascals to find fault with me, if a vicious character fits them? As to lampooning or throwing stones for pure mischief and wantonness, I would sooner cut off my right hand. But if it is necessary to the purposes of virtue, if it is the most interesting mode that I can adopt to expose a vice, and render it ridiculous or hateful, why should I not do it?

* * * * * * *

You see, Ritchie is going to make a book of the old fellow. I don't much like this way of becoming an author, or rather of being

made one without having the fear of it, all along, before my eyes. Now, most certainly, if I had intended to sit down and write a book, and become a downright author, I should have chosen a subject better calculated to put me up in the ranks; one calculated to exhibit the whole of the little compass and strength of my mind. If I had realized the idea that my good name, fame and reputation were at stake, I would have taken care to write to the best advantage—in rural privacy, for instance, and only in the happiest moments of inspiration, after having, by previous meditation, exhausted upon it all my retail shop of thought. Instead of this, I have been dribbling on, with a loose pen, carelessly and without any labour of thinking, amidst incessant interruptions—and with the printer's devil at my elbow, every half-hour, jogging me for more copy.

It is true, the probability of the numbers being collected into a volume, was several times mentioned to me, and several times passed slightly through my mind. But somehow I have not dwelt upon it; the idea has not been realized; and it seems impossible that any man writing newspaper essays, as I am doing, can have the feelings or care of a man who sits down with *malice prepense* to write a book. But enough on this tack; you will think all this affectation:—but if you do, as Tom Bowling says, in Roderick Random, "you will think a d——d lie."

Why does not our trusty and well-beloved Peter sow some of the seeds of immortality in the Old Bachelor? If he does not, the old fellow will be under the turf in less than ten years.

Is not Frank a rascal? Does n't he know that he is a rascal? Has he the face to deny that he is a rascal? The fellow's face, to be sure, is ugly and hard enough for any thing: but if he were to deny that he is a rascal, he would be no true man. I shall take care to put a key to the first volume of the Old Bachelor, to let the world know who is meant by Galen, and shall publish the letters that I have received from him on this subject, in an appendix, that the world may know what sort of fellow he is, and that I did not make the promise I have given, without authority.

I told you I should not write a long letter, and you see I am better than my word. But it is past nine o'clock, and I have yet to finish the nineteenth number. Grace will be out on Tuesday week.

Our love to your household. Hare is still well.

Adieu,

WM. WIRT.

CARR TO WIRT.

CHARLOTTESVILLE, March 25, 1811.

MY DEAR FRIEND:

* * * * * *

Yesterday's mail brought me yours of the 23d. You say my election is infallible. I must acknowledge it looks something like it. So, upon the strength of it, I have begun to prepare in earnest. Fearful is the thought of sticking myself upon the Bench, standing the shot of every eye, and giving it back in speeches; but, I will screw my courage to the sticking point, and, with a strong effort, drive back the blood which would mount into my face. They shall not see the coward heart which trembles within. "How many men who, inward searched, have livers white as milk, wear yet upon their front the brow of Hercules and frowning Mars." I don't know whether this quotation be apposite, but you may take it, as a Rowland for your Oliver.

* * * * * * *

As to your meeting me on my circuit, there are two objections: First, it would be a trouble which I cannot consent you should take: and, second, I had rather take a bear by the chin than see *you* in court whilst I was on the bench in my first circuit. I will not say, my dear Wirt, that the friendly solicitude and zeal you have shown for me, in this affair, have surprised me; but I will say, they have given me the truest pleasure my heart can feel. I will say, that they have raised me in my own esteem; for I can never believe that man without merit, for whom you have discovered so much friendship.

* * * * * * *

TO DABNEY CARR.

RICHMOND, March 26, 1811.

MY DEAR FRIEND:

Your stars have at length done you justice. The course of glory is opened to you, and the goal in full view.

* * * * * * *

It is but this instant that H——, a mischievous old rascal, has made my heart sink and turn cold, by telling me, with the best acted gravity, that T—— was elected. He relieved me, however, in two or three minutes after I was *semi-animis*.

I understand that you had five out of six of the Council in your favour. This is glorious! I will drink your health in a bumper, at dinner, and hail you as Judge Carr. Now, how busy, busy will your

imagination be, as you ride home. How will the plans and schemes swarm!—the airy castles tower! To eke out these operations, H—— says, he 'll be —— if you shall come to Manchester. He says you shall buy a small farm in the country, where, with six or seven servants, you can maintain your family, keep your children in health, and save your salary, wholly.

The suggestion brought a very beautiful and valuable place, as represented to me, in Powhatan, in full view. It belongs to a man by the name of Woodson,—has an admirable piece of meadow on it, and a most excellent, nay, beautiful house, with all necessary offices.

I should have bought it myself, last summer, but Cabell, Hare and others persuaded me I had no business with a farm.

This place lies within two miles of Pope's; and, I think, will cost you seven or eight thousand dollars, at the outside,—of which only two or three thousand, I think, were required in cash. You can buy this place, and stock it, without invading your salary, or absorbing that capital of which we talked when you were here. You can make your farm a source of profit, as well as of subsistence; and, I doubt not, that if you provide the first payment, the instalments will be easily met by the agricultural profits and the interest of your remaining capital, so as to leave that capital, itself, whole, and enable you to lay up and save every cent of your salary.

Think of the accumulations of ten years, on this scale, while fame is accumulating also. The prospect is delightful!

You see, I have done justice to this scheme of H——'s. He went farther, and contrasted the consequences of a residence in Manchester; and, although his argument thwarted the plan which *self* would have prescribed for you (meaning *my* self), yet I confess he staggered me in relation to your interests.

These things, however, we can examine maturely, before the Legislature shall meet.

* * * * * * *

I think I can see your broad grin before you get within a hundred and fifty yards of your house. These are precious feelings.

Once more, God bless you.

Your friend,

WM. WIRT.

TO DABNEY CARR.

RICHMOND, April 11, 1811.

MY DEAR CHEVALIER, ALIAS JUDGE, &c.:

I was honoured (mark me, sir, I say honoured, for I felt the honour most sensibly) by a letter from your wife, by the last Charlottesville mail, enclosing one for you. By-the-bye, she calls herself *my friend* therein; and I would not give that declaration for all the friendship

of you *he fellows* that ever were born. I tell you, sir, the word made my heart *leap*, and I thought I was somebody. O! there is something in the friendship of one of those souls of heavenly mould, that makes all the earth vanish in my view!——Confound it! Was there ever a fellow so much disappointed? I was so much transported with this imagination of friendship, that, thinking it too much, I have turned to her short note, and instead of "friend," find it "yours, with great esteem." How came the idea into my head? No matter. "Yours, with great esteem," is good; but, how much *greater* and less happy does it make me than "your friend." Poh! says your *judicial dignity*, what nonsense! Well, sir,—"poh!"—and there, as George Hay told Edmund Randolph, is a "poh for you." Now, sir, as I am told you can't receive your own letter from your wife until after this, you shall have the whole of hers to me, and so I enclose it, upon your special promise to return it again.

And so, as I was saying — thinks I — would it not be pleasing to Mrs. C——, to let her know I have received her husband's letter, and that it is in the right track to get to him? Thereupon, sir, I sets me down, and forthwith, *in choice phrase*, I writes me a letter to your wife.

If a man will leave his wife, and go off, Heaven knows where, he must not be surprised if a sentimental young Adonis, like me, tries to take advantage of his absence. What I did write, sir, you will not hear from me, nor from her, unless she has a mind to put an end to the correspondence, thus happily begun.

Hem!—hem! You are wrong, sir. The guess is incorrect. I have had no company to-day. Two segars, indeed, I have smoked; but, I am just half-way through a Court of Appeals argument, and I am displeased at the injustice you do me in supposing me to the south of the equator.

Talking of the equator; come, let us be geographical. Heavens! Where are you? Ain't you out of your latitude?—What a parcel of savages!—or, as they used to call it, *salvages*. Hush! They speak well of you; and, gratitude *is* a virtue in spite of Godwin.

Well, now I *will* be serious. I turned the page with a determination to convince you I was sober,—and so I will;—for when a man is—sober, why shouldn't he appear to be so? Very true! "But when or where this world was made for Cæsar, I am weary of conjectures.—This shall end them."

God bless you. All well.

WM. WIRT.

P. S. — Cabell says I must be drunk, or I should not have said "*confound*" to you, when I might have said "*consume*," which he takes to be your word; and which I now, for the first time, suspect you caught from Colonel Morris, with the rest of your classics.

Love Peter Randolph. I am told his modesty envelopes him; but, when you pierce it, you will find him lovely.

Not one line for me. Then come and see me.

Judge C——, inspired by this, writes you a *funny* letter, which he expects you to laugh at, in every line.

Did you ever see such *grave judicial* stuff?

In reply to this he says: "you be——!" "Upon my word," says N——, "this is Judge-like;" but she is a federalist, and, of course, malicious. A literal dialogue.

W. W.

TO DABNEY CARR.

RICHMOND, June 28, 1811.

MY DEAR JUDGE:

Never having committed such an act of negligence, as to leave behind me the key of my baggage, I know not how to imagine your embarrassments, or sympathise with your distresses. Carelessness, "in man or woman, dear my lord, is,"—as the old fellow told Colonel McDowell, "what I do hate." How does this tagging of Shakspeare, and patching elegant quotations, hit your taste? *Nunquam animus.*

Judge Coalter takes your key, and will chaunt you the triumphs of the Court of Appeals.

I am in main haste. My wife and bairns join in love to you and yours. Ere long, I shall write to you *apud largum.* For the present, with love to Don Pedro and friends,

I am yours,

WM. WIRT.

In the midst of all the playfulness and exultation apparent in these letters, Wirt was suddenly brought to the contemplation of political preferment, for which he had hitherto expressed such determined aversion. The resignation of Mr. Rodney, which occurred at this period, left the post of Attorney-General open to the disposal of the President. Many eyes were turned upon Mr. Wirt at this juncture, as likely to be called to fill this office. His position at the bar, his acquirements and high reputation, as well as the friendly appreciation of him by Mr. Madison, rendered this event quite probable. The general speculation of the society of Richmond upon this appointment, brought the subject so directly to his mind, that he was obliged to give it consideration — not very gravely, indeed, as will be seen presently. How he entertained the proposition, may be read in the

following letter, in reply to some jocular advice upon the matter from Carr.

The reader will understand the reference to the "*lignum apis* Attorney-General," as a specimen of that latinity which, he may have heretofore observed, was somewhat cultivated between the two correspondents. Carr, in this vocabulary, is called "*Carissime Currus;* Wirt is sometimes addressed, in return, as "*Mi care Eras.*" With this key, we may translate "*nunquam animus,*" in the last letter, "never mind," and the phrase above alluded to, "*lignum apis,*" to signify the "would-be" Attorney-General.

This letter is dated from Montevideo, the summer residence of Judge Cabell, in Buckingham, on the James River, where Wirt and his family were frequent guests.

TO DABNEY CARR.

MONTEVIDEO, August 11, 1811.

MY DEAR FRIEND:

I have already written seven letters this morning, to go by the Judge, who has gone to Buckingham Court-house, and thus to be thrown (i. e., the letters) into the current of the mail; but six of those letters were on business, the seventh in reply to one from General Minor, which I was anxious should meet him at the Sulphur Springs, and which it will be pushed to do, as the letter will have to make a circuit by Richmond.

* * * * * *

Your letter was to have been answered, also, through the same channel. But, although I rose by the dawn of day, and had to write by candle-light, my letters were unavoidably so long, and the Judge started so early, that I lost his conveyance for my answer to you, and shall have to throw this into the devious and perilous track of the Warminster monsoon:—the Lord send it a safe deliverance! I am in the humour, however, to write; and there is this advantage in the communion of the heart, that it is of no date, and so never grows stale. *So* now to your letter by Cabell,—which is one "*so*" more than the laws of euphony will justify,—and *so* I add two more, by way of keeping them in countenance. *Allons.*

It was, I think, only last winter that I told you, in all the sincerity and solemnity of friendly confidence, that I had resolved on a plan of life, from which I would not depart; which was, to follow with ardour the pursuit of my profession, along the smooth bosom of the Pacific, on which I was now gliding with a fair breeze and flowing sail; and thus keep myself clear, by many a league, both of land and water,

and of those dark and rough storms which are perpetually scourging and lashing into foam the political Baltic. I saw by the experience of others, I told you, the treatment which I should experience, and could anticipate, almost with certainty, the topics of abuse and vilification with which I should be regaled. All this was certainly prudence and sound sense,—perhaps a little too timorous for a hero; but, nevertheless, sensible,—and, as old James Heron said, when he threw up the ace, king and queen of trumps, at loo, "One cannot be too *cautious*."

Well, after this discreet, rational, philosophic talk, which, I remember, satisfied you perfectly at the time, if I might judge by silence, looks and nods of assent, the next thing you hear from me is, that I am red-hot, hissing hot for a plunge into that aforesaid Baltic. What are you to think of such a man? Does such light and weathercock versatility denote a man of sufficient sinew to breast the surge of that stormy sea, and hold on upon his course? Does it become a man who would be a politician? Was I not deceiving both myself and you, when I thought myself philosophizing and resolving prudently? Was I not merely preparing a fund of consolation for political obscurity, and providing, without being conscious of it, for a walk, which I could not avoid, through the humble vale of life—for that track for which, alone, so much fickleness and caprice show that I am fitted? Or have fame and distinction charms which no man (however resolved) can resist, on whom they please to look? Or have I mistaken my own particular character; and has there been, all along, a fund of dormant ambition in my breast, which required but the match to be pointed towards it, to blow up and betray itself; and that, too when it was too late to do any thing but betray itself?

Now, I dare say that, so far from being ready to give me satisfaction in these particulars, your judicial head is, by this time, pretty much in the state of my Uncle Toby's, on a certain occasion which shall be nameless.

But what is the use of pestering ourselves with speculations on this subject? The fact is so; the cat is out of the bag,—and what odds does it make how she came in it?

Very true; but inconsistency is so weak and silly a thing, that a man would much rather bewilder the beholder, in an abstruse and multi-forked speculation about its cause, than to stand stock still, like a target, and brave his steady gaze. Moore talks very happily of "*dulling delight, by exploring its cause;*" why may not a man borrow a hint from that thought, and endeavour to be "dulling contempt by exploring its cause?" I am not certain of the accuracy of the analogy; but I shall not stop my pen to examine it; for, if I do, I may have to blot out, and I hate a blurred and blotted letter: so, here we go!

Now, sir, let me tell you that I did not like your "*lignum apis*

Attorney-General of the United States." The retort was not a fair one; *you* are *in* office, snug and safe, and, therefore, were fair and lawful game; whereas I was only in a state of aspiration, with a pretty fair prospect of a disappointment before me. Sir, you were not only violating Sterne's beautiful sentiment of breaking a jest in the *sacred presence* of sorrow, but were breaking your jest on that very sorrow itself,—making it the theme and butt, as it were, of your merriment.

As to you, I do not hear man, woman or child whisper the faintest *susurration*, (or susurrate the faintest whisper, as the case may be, as our form-books sagely tell us,) of a doubt of your being confirmed. Not meaning that our form-books tell us of a doubt,—for that would be to disregard the parenthesis, through mere wantonness and levity of head, than which there cannot be a greater misfortune to a Judge, except, indeed, the *plumbosity* of the same member, (if, indeed, it be a member,) (as I should suppose it not only was, but also the *head* and chief of members)—lo! I am lost:—but to come back to you as the rallying point.

Cabell says there is no more doubt of your confirmation than——chalk 's like cheese, or than——any thing in the world. So, you see you are safe enough.

I shall call at Pope's as I go down, about the 20th; see whether the definitive treaty is signed; examine the site, and give you my opinion, *gratis*.

Now, this puts me in mind of myself, again; for why should I wish to be going from Richmond, when you are coming so near it? Ay, why should I? What is there in the rough, unbuilt, hot and desolate hills of Washington, or in its winter rains, mud, turbulence and wrangling, that could compensate me for all those pure pleasures of the heart I should lose in such a vicinity? No,—since we have spent our youth and manhood together thus far, my wish is to go down the hill, "hand in hand, and sleep together at its foot." How natural was Pope's dying sentiment to *his* situation, "There is nothing in life that is worth a thought, but friendship?" We both know that there is another sentiment of still greater value; yet they are both requisite to the harmony of the piece: love is the tenor of life's music, and friendship its bass. So, I will stay at Richmond.

As at present advised, I think that Dallas, if he would accept, ought to have the appointment. J. T. Mason, I am told, would not. Pinkney, we conjecture here, will receive it, if it should be vacated. I know but little of him; he had the reputation, when I was at school, of being the most eloquent young lawyer in Maryland. His foreign service, especially at this particular juncture of our foreign affairs, might make him a useful member of the Cabinet.

I cannot help thinking that there is something little, in this notion of appointing the highest officers in the Union, by consideration of

place. It may do in appointing tide-waiters and mail-carriers; but were I a President, and forming a Cabinet who were to assist me in sustaining my vast responsibility, I would be no more governed by residence, than I would by the colour of a man's hair. *Cæteris paribus*, I would, indeed, regard it:—but I would, first, be very sure that the *Cæteris* were *paribus*. I give you this as an abstract principle, and not as one which would at all contribute to my promotion. As to myself, I hope you will believe me sincere when I tell you, that I should think Walter Jones a preferable selection. I say not this as soliciting a compliment from you, my friend—for I know your partiality;—but because I am in earnest, and because I wish to repel an inference of which I was shocked to find my remark, on the other side, susceptible—that the principle of choosing by superior capacity would lead to my appointment. This is an awkward scrape I have got myself into, so I will get out of it as fast as I can.

* * * * * *

I wish to Heaven I could have gone over with Cabell, but I had a mountain of business to prepare for the fall campaigns.

The Old Bachelor, you see, suffers by my engagements. I have not had time, or the temper, since the summer vacation commenced, to please even myself, much less others, by an essay.

* * * * * *

Mrs. C. and the Judge join in affectionate remembrances.

God bless you.

WM. WIRT.

It is scarcely necessary to remind the reader that Mr. Pinkney succeeded to the Attorney-Generalship in December of this year, and that Wirt's accession to this post was only deferred until the succeeding administration at Washington found occasion for his services.

Passing from these topics, the reader will be pleased with the glimpse, which the next letter affords, into the privacy of domestic life, and the affectionate solicitude with which the subject of our memoir devoted himself to the education of his children. His eldest daughter, Laura, was now eight years of age. He has already marked out her course of study; and his aim is to awaken her mind to a perception of the value of the discipline he inculcates. To that end, this letter is addressed to her, in language of such plain and simple structure—almost in words of single syllables—as may reach the comprehension of a child, but, at the same time, wrought with admirable skill into a moral lesson of exquisite beauty.

There is nothing amongst Mr. Wirt's productions more pleasantly characteristic of himself than this letter to his child.

TO LAURA H. WIRT.

RICHMOND, September 13, 1811.

MY DEAR LAURA:

I would have answered your letter sooner, but that my courts and my clients hardly leave me time to write to your dear mother, to whom, of all other earthly creatures, you and I owe our first duties. But I have not loved you the less for not writing to you: on the contrary, I have been thinking of you with the greatest affection, and praying for you on my bended knees, night and morning, humbly begging of God that he would bless you with health and happiness, and make you an ornament to your sex, and a blessing to your parents. But we must not be like the man that prayed to Hercules to help his wagon out of the mud, and was too lazy to try to help himself:—no, we must be thoughtful; try our very best to learn our books, and to be good; and then, if we call upon our Father in heaven, he will help us. I am very glad your Latin grammar is becoming easier to you. It will be more and more so, the more you give your whole mind to it. God has been very kind in blessing you with a sound understanding; and it would be sinful in you to neglect such a great blessing, and suffer your mind to go to ruin, instead of improving it by study, and making it beautiful, as well as useful, to yourself and others. It would be almost as bad as it would be for Uncle Cabell to be so lazy himself, and to suffer his labourers to be so lazy, as to let his rich low grounds run up all in weeds, instead of corn, and so have no bread to give his family, and let them all starve and die. Now your mind is as rich as Uncle Cabell's low grounds; and all that your mother and father ask of you, is, that you will not be so idle as to let it run to weeds; but that you will be industrious and studious, and so your mind will bring a fine crop of fruits and flowers.

Suppose there was a nest full of beautiful young birds, so young that they could not fly and help themselves, and they were opening their little mouths, and crying for something to eat and drink, and their parents would not bring them any thing, but were to let them cry on from morning till night, till they starved and died, would not they be very wicked parents? Now, your mind is this nest full of beautiful little singing-birds; much more beautiful and melodious than any canary-birds in the world; and there sits fancy, and reason, and memory, and judgment,—all with their little heads thrust forward out of the nest, and crying as hard as they can for something to eat and drink. Will you not love your father and mother for trying to feed them with books and learning, the only kind of meat

and drink they love, and without which those sweet little songsters must, in a few years, hang their heads and die? Nay, will you not do your very best to help your father and mother to feed them, that they may grow up, get a full suit of fine glossy feathers, and cheer the house with their songs? And, moreover, would it not be very wrong to feed *some* of them only, and let the rest starve? You are very fond, when you get a new story-book, of running through it as fast as you can, just for the sake of knowing what happened to this one, and that one; in doing this, you are only feeding one of the four birds I have mentioned,—that is, *fancy*, which, to be sure, is the loudest singer among them, and will please you most while you are young. But, while you are thus feeding and stuffing fancy,—reason, memory and judgment are starving; and yet, by-and-bye, you will think their notes much softer and sweeter than those of fancy, although not so loud, and wild, and varied. Therefore, you ought to feed those other birds, too: they eat a great deal slower than fancy: they require the grains to be pounded in a mortar before they can get any food from them; that is, when you read a pretty story, you must not gallop over it as fast as you can, just to learn what happened; but you must stop every now and then, and consider why one of the persons you are reading of is so much beloved, and another so much hated. This sort of consideration pounds the grains in a mortar, and feeds reason and judgment. Then you must determine that you will not forget that story, but that you will try to remember every part of it, that you may shape your own conduct by it,—doing those good actions which the story has told you will make people love you, and avoiding those evil ones which you find will make them hate you. This is feeding memory and judgment both at once. Memory, too, is remarkably fond of a *tit-bit* of Latin grammar; and, though the food is hard to come at, yet the sweet little bird must not starve. The rest of them could do nothing without her; for, if she was to die, they would never sing again,—at least not sweetly.

Your affectionate father,

WM. WIRT.

We have seen that, almost from the first moments of Mr. Jefferson's acquaintance with Mr. Wirt, a friendly intercourse had grown up between them, which had gradually ripened into the most cordial esteem and confidence. It was this sentiment, on the part of Mr. Jefferson, which led him to employ his young friend in the prosecution of Burr. He subsequently engaged him as his private counsel in various matters which required legal advice. After his retirement from the presidency, he had more than once been annoyed by suits which were more properly the care of the Government, but in which

attempts were made to hold him responsible, in his own person, for acts done in the course of his public administration. Of this character was the suit brought against him, in 1810, by Mr. Edward Livingston, which was now pending for trial, in the Circuit Court of the United States, at Richmond. This case is well known to the legal profession as the Batture case, which, in its progress, occupied a considerable share of the public attention; and, not confined to the courts, produced a very learned and elaborate controversy between the two distinguished parties to the cause.

New Orleans was the theatre of the great excitement to which the incidents belonging to this controversy had given rise. The new beach formed by the deposits of the Mississippi, upon every annual flood, had been claimed by the proprietors of the adjacent bank, as legal accretions to their own possessions. Mr. Livingston being one of these proprietors of valuable lots in the city, had asserted his claim, in 1806 and '7, to new soil coming within this description of increase by alluvion. He had done this to the discontent of many persons in New Orleans, who apprehended, from certain works constructed by him upon the beach,—or batture, as it was called,—serious injury to the harbour. The intervention of the General Government was demanded in the matter, upon the ground that the beaches and beds of rivers were under its special protection. Great exasperation prevailed in the city against Mr. Livingston. Riots were threatened; and the grand jury had presented the new structure on the beach as a nuisance. In response to the application to the government, Mr. Jefferson had directed the labourers in the employ of Mr. Livingston to be driven off the ground, which order was finally enforced by a *posse comitatus*. This was done in opposition to the judgment of a local Court, which had decreed in favour of Mr. Livingston.

The consequence of these proceedings was, as has been already stated, a suit against Mr. Jefferson for a trespass. Mr. Wirt, Mr. Hay, and Mr. Tazewell, were employed as his counsel, and were furnished with full notes of the merits of the controversy. The case, however, never reached a discussion of the merits of the chief questions between the parties. It was dismissed after argument,—Mr. Wickham appearing for the plaintiff,—upon the opinion of Judges Marshall and Tucker, that the Court in Virginia could not take cog-

nizance of a trespass committed on lands in Louisiana. This sudden termination of the case seemed to be equally unsatisfactory to both parties, who had made such ample preparation for the main battle as not willingly to be reconciled to give it up. The controversy was therefore resumed with pen and ink; and a vast amount of learning, seasoned by a due admixture of sarcasm, wit and invective, was lavished upon the subject, very much to the edification of contentious riparian possessors and claimants of alluvial deposits forever hereafter.

Contemporaneous with this proceeding, we have a correspondence between Mr. Jefferson and Mr. Wirt, upon a subject of more general interest, as connected with the political history of the past. The lapse of thirty-seven years has stript this correspondence of its private and confidential character, and may now be opened to the public without any apprehension of unfriendly comment.

Duane, the editor of the Aurora in Philadelphia, who had been a most effective supporter of Mr. Jefferson's administration, had lost much ground with the republican party, by his assault upon Mr. Madison and Mr. Gallatin, during the presidential canvass in which the former of these gentlemen had succeeded to the Chief Magistracy. The consequence of this imprudence, was a sensible diminution of the means to sustain his paper. The government "organ," in those days, had not that secret mine of treasure which the experience of our time has found in the patronage of the ruling party. Duane was in distress, and needed additional support. In this strait he applied to Mr. Jefferson, in the hope that, by his recommendation, the subscription list of the Aurora would be enlarged, and the republican party be induced to contribute what might be found necessary. How this application fared, will be seen in the extracts from the few letters to which I have referred.

FROM MR. JEFFERSON TO MR. WIRT.

MONTICELLO, March 30, 1811

DEAR SIR:

Mr. Dabney Carr has written to you on the situation of the editor of the Aurora, and our desire to support him.

This paper has unquestionably rendered incalculable services to republicanism through all its struggles with the federalists, and has

been the rallying point for the orthodoxy of the whole Union. It was our comfort in the gloomiest days, and is still performing the office of a watchful sentinel. We should be ungrateful to desert him, and unfaithful to our own interests to lose him. Still, I am sensible, and I hope others are so too, that one of his late attacks is as unfounded, as it is injurious to the republican cause. I mean that on Mr Gallatin, than whom there is no truer man, and who, after the President, is the ark of our safety.

I have thought it material that the editor should understand that that attack has no part in the motives for what we may do for him: that we do not, thereby, make ourselves partisans against Mr. Gallatin; but while we differ from him on that subject, we retain a just sense of all his other services, and will not be wanting as far as we can aid him.

For this purpose I have written him the enclosed answer to his letter, which, I send for your perusal, on supposition that you concur in the sentiment, and would be unwilling he should misconstrue the service you may be able to render him, as an encouragement to proceed in the mischievous undertaking of writing down Mr. Gallatin. Be so good as to return the paper when read; and to be assured of my sincere and constant attachment and respect.

THOMAS JEFFERSON.

TO THOMAS JEFFERSON.

RICHMOND, April 10, 1811.

DEAR SIR:

I have your favours by the last mail, and will attend to them with much pleasure.

If any thing could be done for Colonel D. here, it would be by showing the copy of your letter to him. I shall retain it for another mail, that I may receive your directions as to making use of it or not. You may rely upon it that D.'s name has no magic in it here. He is considered as the foe of Mr. Madison; and the republicans here have no sympathy with any man who carries opposition colours, whether federalist, *quid* or *tertium quid*.

The distinction which you made between the past fidelity and present aberration of the Aurora, is just, liberal and magnanimous; and the sentiment might, perhaps, be spread by the contagion of your letter. I have made one experiment, to-day, without it. The answer was, that D. could not want friends, since his alliance with the S——s.

By the next mail, I shall have satisfied myself conclusively as to the possibility of my doing any thing without the aid of your letter.

With respectful affection,

Your friend and servant,

WM. WIRT.

TO THOMAS JEFFERSON.

RICHMOND, April 17, 1811.

DEAR SIR:

* * * * * *

The copy of your letter to D., has been shown to one person only——

* * * With the use of that letter, something important might be done for D., in spite of the adverse spirit, or, at least, distrust which the factious and equivocal character of his paper has lately excited—equivocal in relation to Mr. Madison. But his three or four last papers contain such insulting paragraphs in relation to Mr. Madison, that I think it very dubious whether even your letter would not be too late, had I been permitted to show it.

The paper is regarded, now, as an opposition one. In what other light can it be regarded, when it exhibits the President as being so perfectly the tool of Mr. Gallatin, as to have descended from the ground of a gentleman in relation to Mr. S., and played him "a shabby Genevan trick?"

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Can charity or magnanimity require us longer to adhere to this man? Can he consider it as persecution to desert him, after he has abandoned his cause, the people and the President, and has begun to strain every nerve to bring them into contempt? I think he has for some time required a lesson on the subject of modesty, which the people will now give.

* * * * * * *

Every gentleman who mentions this subject in my hearing, speaks with the warmest resentment against D. Believe me, it is impossible to do any thing for him here now; and any further attempt would only disable me from rendering any service to the cause hereafter. It is the impracticability of serving him produced by his own conduct, as well as the violation I feel it would be of my sentiments for Mr. Madison, that prevent me from proceeding. * * *
I return, herewith, the copy of Mr. D.'s letter to you, and yours to him; and beg you to be assured of my respectful and affectionate devotion.

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

MONTICELLO, May 3, 1811.

DEAR SIR:

The interest you were so kind as to take, at my request, in the case of Duane, and the communication to you of my first letter to

him, entitle you to a communication of the second, which will probably be the last. I have ventured to quote your letter in it, without giving your name, and even softening some of its expressions respecting him. It is possible Duane may be reclaimed as to Mr. Madison—but, as to Mr. Gallatin, I despair of it. That enmity took its rise from a suspicion that Mr. Gallatin interested himself in the election of their governor, against the views of Duane and his friends. I do not believe Mr. Gallatin meddled in it. I was in conversation with him nearly every day during the contest, and I never heard him express any bias in the case. The ostensible grounds of the attack on Mr. Gallatin, are all either false or futile.

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But they say he was hostile to me. This is false. I was indebted to nobody for more cordial aid than to Mr. Gallatin; nor could any man more solicitously interest himself in behalf of another than he did of myself. His conversations with Erskine are objected as meddling out of his department. Why then do they not object to Mr. Smith's with Rose? The whole nearly of that negotiation, as far as it was transacted verbally, was by Mr. Smith. The business was in this way explained informally; and, on understandings thus obtained, Mr. Madison and myself shaped our formal proceedings. In fact, the harmony among us was so perfect, that whatever instrument appeared most likely to effect the object was always used without jealousy. Mr. Smith happened to catch Mr. Rose's favour and confidence at once. We perceived that Rose would open himself more frankly to him than to Mr. Madison, and we, therefore, made him the medium of obtaining an understanding of Mr. Rose.

Mr. Gallatin's support of the Bank has, I believe, been disapproved by many. He was not in Congress when that was established, and, therefore, had never committed himself publicly on the constitutionality of that institution, nor do I recollect ever to have heard him declare himself on it. I know he derived immense convenience from it, because they gave the effect of ubiquity to his money wherever deposited. Money in New Orleans or Maine was, at his command and by their agency, transformed in an instant into money in London, in Paris, Amsterdam or Canton. He was therefore cordial to the Bank. I often pressed him to divide the public deposits among all the respectable banks, being indignant myself at the open hostility of that institution to a government on whose treasures they were fattening. But his repugnance to it prevented my persisting. And, if he was in favour of the Bank—what is the amount of that crime or error in which he had a majority, save one, in each House of Congress as participators? Yet, on these facts endeavours are made to drive from the administration the ablest man, except the President, who ever was in it, and to beat down the President himself, because

he is unwilling to part with so able a counsellor. I believe Duane to be a very honest man, and sincerely republican; but his passions are stronger than his prudence, and his personal as well as general antipathies render him very intolerant. These traits lead him astray, and require his readers—even those who value him for his steady support of the republican cause, to be on their guard against his occasional aberrations. He is eager for war against England,—hence his abuse of the two last Congresses. But the people wish for peace. The re-election of the same men proves it; and, indeed, war against Bedlam would be just as rational as against Europe, in its present condition of total demoralization. When peace becomes more losing than war, we may prefer the latter on principles of pecuniary calculation. But for us to attempt a war to reform all Europe, and bring them back to principles of morality and a respect for equal rights of nations, would show us to be only maniacs of another character. We should, indeed, have the merit of the good intentions, as well as the folly, of the hero of La Mancha. ——But I am getting beyond the object of my letter, and will, therefore, here close it, with assurances of my great esteem and respect.

TH. JEFFERSON.

CHAPTER XX.

1812—1813.

THE WAR.—ITS EXCITEMENTS.—WIRT DECLINES A COMMISSION IN THE ARMY.—VOLUNTEER SOLDIERY.—LIFE OF HENRY.—BURNING OF THE RICHMOND THEATRE.—GOVERNOR SMITH.—CARR APPOINTED CHANCELLOR, AND REMOVES TO WINCHESTER.—LETTERS TO HIM.—W. ATTEMPTS TO WRITE A COMEDY.—JUDGE TUCKER'S OPINION OF THE INFLUENCE OF SUCH LITERATURE ON PROFESSIONAL CHARACTER.—DIFFICULTY OF COMEDY.—PROFESSIONAL DIGNITY.—RICHMOND BAR.—ANECDOTE OF A TRIAL BETWEEN WICKHAM AND HAY.—EPIGRAM.—WARDEN.—LETTER TO CARR.—TIRED OF THE OLD BACHELOR.—BIOGRAPHY.—LETTER FROM JUDGE TUCKER ON THIS SUBJECT.—INCIDENTS OF THE WAR.—BRITISH ASCEND TO CITY POINT.—WIRT RAISES A CORPS OF FLYING ARTILLERY.—LETTER TO MRS. W.—TO DABNEY CARR.—GILMER A STUDENT OF LAW.—LETTER OF ADVICE TO HIM.

WE have now approached a period of great public concern—the war of 1812. They who remember the interest which the events of

that period excited, will not need to be told that it pervaded every portion of the country, and furnished an absorbing topic for every social circle. Along the Atlantic border, this interest was increased by continual alarms produced by the enemy, whose squadrons hovered upon the coast, and not unfrequently made descents upon exposed or unprotected points. Although the Canada frontier was the scene of the severest conflicts, and was therefore brought to realize the worst extremes of war, there was still enough of threatened and actual collision upon the bays and rivers of the Atlantic and the Gulf of Mexico, to keep all that region in a state of anxious outlook and busy preparation. The blockade of this coast, in general loosely and inadequately maintained, was rigidly enforced at two points, by the presence of ships of war in the Delaware and Chesapeake. The cities of Philadelphia, Baltimore, Norfolk and Richmond were thus admonished of impending danger, and were consequently ever upon the alert. The frigate Constellation lay at Norfolk, and more than one effort was made by Admiral Warren to effect her capture. One of these efforts, in June, 1813, was the assault of Craney Island, where the British forces were defeated by the Virginia militia, aided by the seamen of the Constellation, under the command of Captain Tarbell. The village of Hampton was afterwards attacked by the British and taken, and the most disgraceful barbarities practised upon the inhabitants; barbarities which were the more atrocious, as they were directed, in some notable cases, against women, who were forced to submit to the most shocking outrages from a licentious soldiery. The particulars of this execrable violation of the rules of civilized warfare are yet fresh in the memory of that region, and obtained, at the time, a prominent notoriety amongst the most revolting events of the war.

It may be imagined that such incidents aroused a universal feeling of anxiety everywhere over the district within the supposed reach of the power of the squadron, and kept the people of the country in a constant state of feverish expectation of the probability of fresh encounters. The militia of the interior were always prepared for a summons to the coast; volunteer companies were everywhere formed; and the stir and show and apparatus of war became the most familiar objects to all classes of the population.

With all the disquietude and uneasy apprehension which belonged

to such a state of things, there was also a certain degree of intense and pleasant excitement, which was greatly relished by the younger and more enterprising portions of the community. The preparations for camp life, and the occasional experience of it; the expectation of actual service which was ever present to those selected for duty; the military array seen in every town; the music, the banners, the daily parade, the rapid muster and equipment of men; the frequent marching of detachments to threatened points; the performance of garrison duty; the brotherhood and companionship of military life; its adventures, its stories, its comic as well as serious incidents; all this, under the pleasant skies of a mild season of the year, without the discomforts and sufferings of a severe campaign,—not far from home, and consequently within the reach of abundant food and shelter,—gave a kind of sunshiny holiday attraction to the period, which, as I have remarked, rendered the war, to the great mass of those who were most familiar with these scenes, rather a pleasant change from the monotony of ordinary quiet life.

Richmond was one of the centres of this excitement; near enough to be threatened with invasion, yet sufficiently remote to be guarded against sudden surprise. During the two years of the war, therefore, she may be said, with some exceptions, to have found, in the agitation of the public events, an agreeable supply of novelty to feed that appetite for news, which was scarcely less characteristic of the gossiping Athenians in the days of Pericles, than of our own people in the time to which I have referred;—which, indeed, has suffered no abatement since.

Wirt was, at this time, at the head of his profession, enjoying a full share of its employments and emoluments. The war was now at his door. The military ardour of 1807, which was strong enough then to take him, if occasion offered, to Canada, was now somewhat tempered by the monitions of professional and domestic duties. The idea of the legion was not revived; Canada was committed to other hands; and all those dreams of martial glory, which had once captivated his younger imagination, were sobered into a sensible resolve to do his duty at home, as a citizen soldier, when called upon, and to transfer

his aspirations after warlike renown to those whom fortune had not yet favoured with a better reputation.

Some intimation was given to Mr. Madison by a friend, that Wirt would still accept a commission in the army. This led him to write to the President a letter, declining such an appointment, in which he stated, that "however strong the desire to enter the service of the country actively, the situation of his private affairs would not permit it. Circumstanced as he was, such a step would be a sacrifice, not called for by the posture of the country, and wholly incompatible with his duties to his family."

Thus renouncing a purpose which he had, a few years before, cherished with so much zeal, he was now content to take his part in the scenes around him, in whatever manner he might be able to make himself useful. A portion of the British squadron had, at one time in 1813, ascended the James River as high as City Point, and thereby aroused the capital to a vivid apprehension of an attack. At this juncture, Wirt raised a corps of flying artillery, which, consisting of the choicest material of the country, was, under his command, brought into an excellent state of discipline and efficiency—alas! without an opportunity (as we may say, without disparagement, it fortunately turned out) to demonstrate their own or their leader's prowess before the enemy. Richmond survived the many attacks which were threatened without being made; and was favoured with the most satisfactory opportunities, short of bloodshed, to evince her patriotism and public spirit. Thus be it ever, in all future wars!

The valour of our volunteer soldiery, which has latterly worked such miracles upon the bloody fields of Mexico, was not less confided in in the war of 1812, though exposed at that time to a much severer probation, before the veteran soldiers of Wellington. That the exploits of the volunteers of that day were not so brilliant as those of the latter period, we may attribute not less to the character of the army itself, than to that of the enemy each has had to encounter. The levies of 1812 were gathered from the general mass of the population, more actuated by the common sense of duty in the crisis, than by any predilection for military adventure. They included, therefore, citizens of all ranks and pursuits, taken from the very midst of their

families and business, with all the dependencies and concerns of domestic life yet strongly soliciting their care and protection. They repaired to the field, not from choice so much as from a sense of eminent necessity, exacting the temporary sacrifice of their time and service. The volunteers of Mexico, on the contrary, were the picked men of the nation, who, devoting themselves to a service more than a thousand miles from home, went to it under the strong impulse of adventure and love of martial life. They consisted of the young, the ardent and the brave, who, for the time, renounced all domestic pursuits, and marched to the field, animated by the hope of distinction, and disenthralled from all civil cares and engagements. Thus fortified by resolve, stimulated by love of the profession, cheered by loud acclamations of friends, unimpeded by domestic solicitude, and filled with the ardour and courage of the national character, they more resemble the chivalry which, a few centuries ago, assembled around Gonsalvo de Cordova, or Gaston de Foix, in their descents upon the fields of Italy, than they do any army of modern times. The skill, concert, impetuous valour and persevering labour of their assaults, will be the theme of commendation from military critics in centuries to come; whilst the brilliancy of their victories over such disproportioned numbers, and the rapidity of their conquest of the strongholds of Mexico, will be regarded as the marvels of the age in which they were achieved.

The contests of the regular army on the Canada frontier, in the war of 1812, will suffer nothing in the comparison with those of the latter period. The laurels won by the youthful general at Chippewa and Lundy's Lane, will retain a verdure as fresh as those which the same chief has plucked in his elder day, upon the plains of Mexico.

Wirt's professional engagements had now so multiplied upon his hands as nearly to engross all his time; and the reputation following his success seems to have so far gratified his ambition, as in a great degree to suspend his literary projects, or, at least, to restrict them to few and desultory efforts. The Old Bachelor, the greater part of which had been completed in the year 1811, slumbered through all the following year, and, after a slight endeavour towards a revival, was finally disposed of in 1813. The Life of Patrick Henry, too, was

found to be an enterprise of less promise than at first it seemed. We shall have occasion hereafter to notice the embarrassments of this task, and how weary the author became of it.

In a letter from Mr. Jefferson to him upon this subject, the former expresses a difficulty in regard to the collection and the publication of facts respecting Henry, which Wirt had already felt. In answer to this letter, Wirt remarks: "I despair of the subject. It has been continually sinking under me. The truth, perhaps, cannot be prudently published by me during my life. I propose, at present, to prepare it, and leave the manuscript with my family. I still think it a useful subject, and one which may be advantageously wrought, not only into lessons on eloquence, but on the superiority of solid and practical parts over the transient and gaudy show of occasion. I wish only it had been convenient to you to enable me to illustrate and adorn my theme by a short portrait of Mr. Henry's most prominent competitors."

I may notice here, as some reference to the event will be made in the course of this narrative, that Richmond had, in the last week of the year 1811—the day after Christmas—been visited by a calamity of overwhelming horror, in the burning of the Theatre, during a performance which had attracted to the house an unusual crowd of the most cherished members of the society of the city. Between sixty and a hundred persons were burnt up in the conflagration. Amongst these were the Governor of the State, George W. Smith, Mr. Venable, the President of the Bank of Virginia, Mr. Botts, the gentleman whom we have seen engaged as one of the counsel of Burr; the wife of this gentleman and his niece, with many other ladies most endeared to the community of Richmond—young and aged—were also whelmed in this awful catastrophe. Richmond was shrouded in mourning, with scarce a family in it that had not suffered some bereavement. So melancholy a disaster, we may suppose, would leave its traces upon the character of the city for many years. It was long before Richmond resumed that cheerful and careless tone of social enjoyment for which it was previously distinguished.*

* I find a manuscript reference to this sad event, amongst the papers of Mr. Wirt, in which he has detailed some of the particulars attending the

The ensuing letters unfold some interesting particulars of personal history, making occasional references to the incidents of the war, and presenting some few evidences of the literary aspirations, rather than labours, of the writer. They furnish, besides, agreeable pictures of the contentment and cheerfulness which attend a prosperous life.

The nomination of Judge Carr to the Bench, by the Governor and Council, required the ratification of the Legislature. In this proceeding, in the session of 1812, an opposition was got up against the Judge sufficiently strong to defeat him. During the year in which he had served on the Bench, it was universally admitted that entire satisfaction was given to the public—that, in fact, the office was administered with distinguished ability. The opposition is said to have arisen out of objections of a purely local character, which touched what was supposed to be the claims of other persons. It is said, that acknowledging the Judge's merits, and with a special purpose to retain him in the Judiciary, the Legislature created a new Chancery district, of which Winchester was the seat of justice, and bestowed the appointment to it upon him. This appointment he promptly accepted. It compelled him to change his residence from Charlottesville to Winchester. The change seems to have gone hard with him for some time. To one of his genial temper and love of domestic associations, such a breaking up of settled habits and separation from familiar faces, was rather a severe tax upon his affections. This will explain the occasion of the next letter.

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death of the Governor. I extract a few passages:—"On the fatal night of his death," says this record, "he had taken his wife and one of his sons, about nine or ten years old, to the play. At the cry of fire he led Mrs. Smith into the box lobby; and recollecting that he had left his little son behind in the box, he told her to remain there until he stepped back for the boy. It was her wish to do so, but the pressure of the crowd bore her away. When the Governor returned, his wife was not to be seen. He hastened down with the boy, and having placed him in safety on the outside of the door, returned, it is supposed, to look for his wife. In the meantime, she, after having been pressed to and fro by the waving motion of the multitude, was fortunately driven near a window, just at the time when the word was given to 'break down the windows'—and through this, by a leap of twelve or fifteen feet, she made her escape without other injury than a sprained ankle and the bruises which she received from the pressure of the crowd. Her husband, unable to find her, perished in the generous and pious pursuit."

TO JUDGE CARR

MONTEVIDEO, Buckingham Co., Nov. 12, 1812.

MY DEAR FRIEND:

* * * * * * *

Cabell and myself went down at the beginning of the month to attend the Court of Appeals, where, among a large packet of other letters, I found your affecting favour from Winchester, which I read to him. As I had been all the summer absent from Richmond, and had then but a few days to stay with the Court of Appeals, for whom I had also to prepare my statements, &c., I could find no time to answer you from that city:—to atone for it, I seize the first hour of composure here, to commune with you.

I need not tell you that I enter fully into your situation and feelings; yet I, who have been torn so often from neighbourhoods and friends, and forced to make new settlements among strangers, should not have felt the change on my own account, so acutely. I know, experimentally, that the first pangs, on these occasions, are all that we have to endure. Nature soon accommodates us to every change. A soft and not unpleasing melancholy, from a remembrance of the past, now and then recurs in the pauses of business and social intercourse; but from circumstances and situations apparently the most unpromising and hopeless, the great *vis medicatrix naturæ* enables us to extract not merely consolation, but amusement and happiness. We become acquainted with new characters, whose oddities divert us; whose intellectual adroitness and resources interest and instruct us; whose amiable qualities and kind offers warm and attach our hearts. A difference of manners may keep us asunder for a time, like the negative and positive electricity of bodies differently charged; but intercourse produces an assimilation, and instead of repelling, we begin mutually to attract; or if we neither acquire the manners of those among whom we live, nor communicate our own to them, yet their peculiarities soon become so familiar to us, that we are not conscious of them, but look at once through them to the heart and mind of the person.

* * * * * *

Now, why can we not put a little philosophical force upon ourselves, and anticipate at once those results which we are sure nature will ultimately bring about? By this course, we shall avoid the painful interval between the first repugnance, and the accommodation of habit. For example, if, giving way to this repugnance, we hold off, shy and aloof, we shall beget equal shyness on the other hand, and the interval of indifference may be a very long one,—if it does not end in a fixed and mutual aversion. If, on the other hand, in instances in which established character, or our own *judgment* of

the individual warrants it, we at once break through our prejudices and force a familiarity and intimacy, we generate those same qualities in strangers towards ourselves, who have also their prejudices against us to vanquish, and thus, like Scott's stag, "at one brave bound the copse we clear," &c. &c.,—"which &c., hath much learning in it."

Why may you not form new friendships there? I must be candid enough to tell you, that I feel some jealousy at this suggestion, myself, and do not want you to love any new friend quite so well as I hope you do me, and as I certainly do you. It is my magnanimity, therefore, or the nobler side of my friendship, that suggests this consolation to you for those friends from whom you have been separated. Against these suggestions, you may urge the common opinion that ardent friendship cannot be formed at *your advanced state* of life. To be sure, *I* cannot reason on this point *experimentally*—"you must go to some one older than me." But then, I am informed by books, of men nearly as old as yourself, who have formed the warmest friendships: for example, there was Walsh, who at the age of seventy, contracted a most vehement friendship for Alexander Pope, then only sixteen years of age, which lasted through life, that is, through Walsh's life. And Pope himself, when sixty, contracted a similar friendship for Warburton. Examples might be easily multiplied to show the physical possibility of such friendship. I have, myself, formed the most sincere and disinterested friendship for at least two men, old enough to treble my years; and I am convinced that I shall have for Frank Gilmer, (who you know is a member of my family now,) as warm a friendship as if he were my brother.

This disparity of age seems to be necessary to bring about that equality which in some way or other, must be the basis of friendship. Where equality of years is wanting, the partnership must be rendered equal in some other way. For instance, one brings youth and genius into the fund; the other, age and character. Perhaps a better, though a less artificial solution of it is, that the one or the other must be inexperienced and credulous; the other, conscious of his own purity.

Two old men do not form these friendships: reciprocally aware of the fallacious exterior of characters, they cannot trust each other.

* * * * * *

Fortunately for you, the tooth-ache has stopped this lecture.

* * * * * *

Your friend,

WM. WIRT.

Carr did not receive this letter until it was brought to him enclosed in the following:

TO JUDGE CARR.

RICHMOND, March 31, 1813.

Very well, sir;—consume* and abuse me as much as you please. Throw my letter away, and say that I have delayed writing till all the grace of the act is gone; that, now you have become acquainted in Winchester and happy in your new acquaintance, so as no longer to require the cheering letters of your old friends, I, for the first time, begin to write; that, when you wished me to write, I would not; and that when you no longer wish me to write, or care for my writing, I pester you with my letters; that I have played by you, as a friend, pretty much such a part as Johnson says Chesterfield played by him as a patron: "Is not a patron, my lord, one who sees his client struggling in water above his depth, without going to his relief; and when he has reached the shore, incumbers him with his needless assistance?" This is the thought,—I pretend not to quote his words. Well; have you got cool? Now read the enclosed, which I do assure you was written when and where it professes. You see, then, how well inclined I was, to have done my duty promptly towards you; * * * * * * the necessity of my hurrying down to Richmond, where the Federal Court and the Court of Appeals were sitting together,—the manner in which I have been kept under the lash, by the Court of Appeals, until about ten days ago,—the circumstance of my being in the nineteenth regiment, which has been called on duty and placed on the war establishment,—not having been discharged until last Saturday,—and the anxieties generated by the vicinity of the British; the uncertainty of their plans, and the defenceless condition of the State, have, in succession, held me "in durance vile," unharmonising me for that sweet correspondence with you which I so much enjoy, in peace and ease. Come, come; let your choler give way; let your crest fall; let the angry blood in your cheeks retire; let your cheeks, themselves, subside; and do not look quite so much like Jupiter Tonans, when he "*inflat ambas buccas.*" So, so. Now we are as we were, and I will mend my pen. You know the Scotchman, under similar circumstances, cried "halt a little, while I tak' a wee pickle o' sneeshing."

Sir John Borlase Warren, certainly *molliter manus imposuit*, for which I thank him. The more fool he, the more fortunate we. He might, with the three thousand marines, which he is said to be able to detach from his ships without weakening their defence too much, have battered and burnt down our cities of Norfolk and Richmond,

* There are several references in the letters to this phrase of Carr's, which seems to have been the limit to which his kind nature would allow him to go, in the way of imprecation.

have plundered our banks and demolished our armory and the archives of the nation. He has waited so long, that now we do not fear him; while we, by no means, feel ourselves so secure as to lay aside our caution.

* * * * * * *

The Old Bachelor is in the bookbinder's hands, at Baltimore, and is waiting only for a few additional numbers, which I have not yet had time to scribble; so that, you see, we are likely "to float together *down the gutter of time*," as Sterne says.

Did you never see two or three *tobacco-worms* swept along by the little torrent produced by a sudden shower of rain?—swept along, with all their treasures, and crawling out, half drowned, twenty or thirty yards below? Shall our book have a longer race, or we a more honourable catastrophe?

Now, sir, your private ear. I have a sentimental drama *(la comedie larmoyante,)* nearly finished, which will be *quite* finished this spring, or early in the summer. I think tolerably well of it. Green and Twaits, who saw three acts of it in the crude, first draught, augured favourably of it. Judge Tucker, the only other person who has seen it, declared himself highly gratified by the perusal.

The players are anxious to get it from me. I had promised to give it, when finished, to Green's daughter, who, poor girl, perished in the theatre. But, before it leaves my possession, I am determined to submit it, when completed, to you, and to be decided by your judgment entirely as to its fate, because I know you love me too well either to flatter or spare me, where my character for authorship is concerned.

I want to know your opinion now, whether, if the work itself be good, the circumstance of its being a play is likely to do me any injury with the world, either as a man of business or as a man pretending to any dignity of character? On this point, I am dubious. For example;—how would it act on the character of such men as Jefferson, or Madison, or Monroe, or Marshall, or Tazewell, to have it known of them that they had been engaged in so light and idle a business as writing a play? Will you weigh this question thoroughly? At one moment, I think it would let them down; at another, that it would give spirit and relief to the greatness of their characters; that is, supposing the play to have been a very good one.

Talking of authorship, what if I do hold my head high? "Tut—a boy!—Poh, a boy!—pshaw, a mere boy!" So no more.

Our love to you all.

WM. WIRT.

We have not Judge Carr's answer to the questions propounded in the last clause of this letter; but, from the correspondence with

Judge Tucker, to whom the same questions seem to have been addressed—(the letter of Wirt to him has not been preserved)—I am enabled to present my reader with a reply quite worthy of preservation:

"You ask," says the Judge, "how far a discovery that you have entered the dramatic lists may affect your professional character. Belles-lettres and the Muses have been too little cultivated in America, or cultivated with too little success by their votaries to enable us to judge. Trumbull, the author of McFingal, was, I think, a lawyer. That poem rather raised the opinion of his talents. It is entitled, in my opinion, to the first place in estimating the American talent for poetry. Dwight's 'Conquest of Canaan' seems to have advanced him, in his own quarter of the Union, at least. He was young when he wrote it, and he now fills the papal chair of taste and erudition, as well as genius and religion, in New England. Humphreys, the aid of Washington, ventured to display his poetical talent, almost as soon as the war was ended. His pieces were well received; and he has been a foreign minister, or something of the sort. Barlow has come forth in epic poetry, borrowing from Tasso, Milton, and the author of The Lusiad. His character, I think, has not been advanced by it; yet, we now see him as an Envoy abroad. Should he fail in his embassy, I shall not be surprised to hear it said, it might have been predicted from his poem. Burke was too little known and too little reputed for his Bethlehem Gabor (I believe that was the name of his play,) either to raise or lower him. These are all the instances that occur to me where the Muses have been wooed in America by persons of any professional standing. My own apprehension is, that a taste for the belles-lettres, including, under that description, dramatic poetry as well as all others, is very low in America generally. That even though any such production should please for the moment, or continue to please a little longer than a moment, it does not constitute any thing estimable in the public eye, nor advance the author in the public estimation, *but may have the contrary effect.* To apply this to a man of any profession, if the author be a person who has inspired an exalted opinion of his talents, and the poem be given to the world in such a manner as to appear merely as a *jeu d'esprit*, the effusion of a leisure moment, and without any view to profit or emolument, or

as an offering at the shrine of party,—I think, in such a case, the public would regard it favourably, and as an evidence of a variety of genius and talent capable of embellishment beyond the professional walk. If there be nothing in the composition itself below the standard of the previous public opinion of the author's talents, it will be not only well received, but will advance him in the general estimation as a man of happy genius. Such a man will, like Sheridan, win the approbation of those who have taste to admire; and those who want it, will pretend to admire. He, therefore, runs but little risk."

These are the opinions of a competent critic in 1812. We may smile at the sober earnestness of the question and the gravity of the answer. That this should be even a moot point at that day, would seem to argue that, as yet, there was no literary public in the United States; at least, no adequate appreciation of literary talent. That Dr. Johnson might write a tragedy, or Canning delight in witty doggrel, and not lose caste in church or state, we may infer, was a problem to excite the special wonder of the anxious literary adventurers of the generation of 1812. We have seen that Wirt was not to be baulked in the career of his humour by these doubts; for he had already perpetrated some glaring enormities in prose, and was now actually meditating a comedy. This comedy, which it appears he was some two years at work upon, still survives amongst his manuscripts. I find various approbatory comments upon it in the letters of his friends at this period,—especially in those from Judge Tucker. It was called "The Path of Pleasure," but was never published nor played,—from a secret consciousness, I would infer, in the writer, that it might not safely pass the ordeal of public judgment. Wirt was a better critic than his friends; and most likely, upon deliberate review, after the fervour of composition had subsided, came to a determination not to incur the hazard of that disapproval which, in the matter of a theatrical exhibition, is proverbially the most painful of all to which an author can be exposed. Whatever ground there may be to question how far professional success may be able to stand with the repute of elegant scholarship, there can be little room for debate upon the point that no professional man may very safely commit his reputation to the ordeal of facing the authorship of a play that has been damned. I do not say that this would have been the fate of the Path

of Pleasure, if it had been submitted to the trial; but public judgment is very uncertain, and Wirt himself does not seem to have had confidence enough in his production to be willing to challenge a sentence. Dramatic writing is, of all literary composition, the most difficult, and a good comedy is the highest product in this art. We have a dozen respectable tragedies for one comedy of the same grade. To paint character by dialogue, with the requisite brevity, wit, and adaptation to the story, which comedy requires; to avoid exaggeration and caricature, on one hand, and tame, insipid portraiture on the other; to invent a plot whch shall have the requisite variety of incident to give it interest, and yet to evolve it without obscurity or confusion, and to carry it along in the conversation and action to which the stage limits the author, require a kind and degree of talent which is, by no means, necessarily, nor even ordinarily, associated with the powers of the most accomplished writers or speakers. Even poets, and the most skilful novelists,—those who have been most conspicuous for the force, nature and vivacity of their dialogue,—have failed to produce good comedy. Moore and Scott are signal illustrations of this fact, and we might add many others well known to the reader. Whilst it is equally capable of proof that the best dramatic writers, and especially in the department of comedy, have attained to no remarkable distinction in what we might suppose to be the cognate and congenial departments of literature.

That Wirt was restrained by no false notion of dignity from this essay in the dramatic field, we may well believe from all that we have seen of his character. That the public was, at that day, absurdly prejudiced upon this question of the gravity and decorum of professional life, is probable enough. It has been often remarked by foreigners, that in all externals, at least, ours are a grave and even a saturnine people: that there is a certain amount of make-believe and constrained show of what is considered the propriety of place and vocation, apparent in the deportment of our people,—giving to them a thoughtful and reserved demeanour in society, very unlike the free and careless undress of social life in Europe. A secretary of state or a counsellor at law may hardly play at leap-frog with us, without finding hands and eyes upturned at such tomfoolery, and some severe comments touching dignity and its concomitants; whilst European society

would scarce think it worth a comment, except in the way of kindly illustration of the jocund temper which not even the cares of state or the hard study of legal quiddities could subdue. Curran at the head of the Monks of the Screw, and Jeffreys fomenting the waggeries of the Scotch bar, or Napoleon playing a part in private theatricals, are not even yet quite within the conception of the American public and its notions of "dignity." Still less so was it in 1812.

Richmond, perhaps, is entitled to be regarded as less affected by this national quality than most other portions of the country. The community of that city have been rather famous for good-fellowship, and,—what may be said in their commendation,—of a very fair toleration of the eccentricities which belong to the practical exemplification of the adage, "dulce est desipere in loco." The memories of their private associations, and especially at the bar, are rich with good stories and exhibitions of *bonhommie* that have provoked many a laugh without either impairing the "dignity" of the actors, or incurring the rebuke of the rigidly-proper, who there, as well as elsewhere, have found their abode. Amongst these memories, the present generation recount, with an affectionate particularity, the many gambols of the late Chief Justice—one of the best men of the age—and his cronies and associates of the famed Quoit Club, in which it seems to have been a fundamental canon that the oldest and gravest were to submit to a temporary rejuvenation, which was often manifested in the display of the prankishness of boys.

Wirt was not behind his compeers in this temper. I have seen some letters addressed to him as "Φυ loving Wirt," which appellation by no means belied the hilarity of his nature. There were many outbreaks of this temper at the bar, which are yet pleasantly recalled by the fraternity. One of them we have in an anecdote on hand.

Wickham and Hay were trying a cause in the Court at Richmond. Wickham was exceedingly ingenious, subtle, quick in argument, and always on the alert to take and keep the advantage by all logical arts. Hay was not remarkable for guarding all points, and was sometimes easily caught in a dilemma. Wickham had, on this occasion, reduced him to the choice of an alternative in which either side was equally fatal to him. "The gentleman," said he, "may take which ever horn he pleases." Hay was perplexed, and the bar amused. He

was apt to get out of temper and make battle on such occasions, and sometimes indulge in sharp and testy expressions—showing himself a little dangerous. A knowledge of this characteristic added to the sport of the occasion. Mr. Warden, one of the most learned, witty and popular members of this bar,—familiarly known to them as Jock Warden,—for he was a Scotchman, and then an old man,—remarked, in a quiet way, "Take care of him, he has hay upon his horn!" Wirt sitting by, with full appreciation of this classical witticism, forthwith hitched it into verse in the following epigram:

> Wickham was tossing Hay in court
> On a dilemma's horns for sport,
> Jock, rich in wit and Latin too,
> Cries, "Habet fœnum in cornu."

The tradition of the bar still preserves this *jeu d'esprit*, in memory of that palmy day of social brotherhood which was, in a thousand other forms, cherished and embellished by Wirt and Warden,*

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*This gentleman, Mr. John Warden, is still affectionately remembered at the Richmond bar. He was a man of high accomplishment in general literature and science, as well as in his profession. He had collected a fine library of rare and valuable books, which, being put up at sale after his death, were eagerly sought after and purchased. He was said to be the most homely man, both in face and figure, to be found in the society with which he lived, and his speech was marked by a broad Scotch accent.

During the Revolutionary War, he was once summoned before the House of Delegates of Virginia, to make atonement for some disloyal,—or, perhaps, *too* loyal, for that, I believe, was his offence,—words uttered by him, which had given umbrage to that body. It was the custom, then, in the Virginia Legislature, to exact of offenders against their dignity, an apology to be made, kneeling at the bar of the House. It is difficult now to believe that a custom so absurd and slavish, as well as so degrading to the Legislature itself, should have been tolerated in any of the American States, at so late a period as that of the Declaration of Independence, especially after the reproof it had received in the British Parliament in 1751, in the case of Alexander Murray, and the abolition of it by that body. Still, it was yet in force in Virginia. Mr. Warden was obliged to comply, which he did with an ill grace:—"I humbly beg pardon," he said, in his broadest Doric, "of this honourable House:—and a domned dirty house it is," he added, as he rose slowly and awkwardly, with a surly look, and brushed the dust from his knees.

He was once relating to a circle of friends the gratification he had enjoyed, at a ball in Richmond, in the society of a beautiful woman, a distinguished belle of that time. In attempting to describe her attractions of face and figure, and her gracefulness of motion, he concluded a vivid portraiture which he had drawn, by an attempt at personal illustration which was too

Wickham and Hay and their comrades, who gave a distinctive tone to the society of Richmond, and rendered it, at that day, one of the most attractive cities in the Union.

I have said that the Old Bachelor was not finished until 1813. An interval of eighteen months had passed between the publication of the greater portion of these essays and the last few numbers. The author was getting tired of it, and found a more pleasant occupation in other subjects. He adverts to this in his next letter.

TO JUDGE CARR.

RICHMOND, April 30, 1813.

FRIEND OF MY YOUTH:

* * * * * * *

I admit the justice of your charge as to my scribbling capriciousness, and yet I know that *finis coronat opus*, too. But as the Old Bachelor, there was no *finis* naturally growing out of the scheme. It was endless; each essay being a whole in itself.—I am dispirited, too, by the little effect such things produce. I did not begin that business for fame. I wrote in the hope of doing good, but my essays dropped into the world like stones pitched into a mill-pond; a little report from the first plunge; a ring or two rolling off from the spot; then, in a moment, all smooth and silent as before, and no visible change in the waters to mark that such things had ever been.

Writing on, under such circumstances, was, I confess, a dragging, heavy, nauseous work; and, unless a man write *con amore*, he cannot do it well. As to doing it *doggedly*, I should hold myself a dog to do it,—yea, a very turn-spit. But, as Ritchie desires it, and has gone to some expense about the bauble, I will turn the spit for five or six revolutions more, and then bid the Old Bachelor adieu until I see how the volume takes. If it has a run, I shall have the more spirit to work off another volume, and complete something like a moral and literary scheme,—a whole;—but thereafter as it may be.

As to the *novus hospes*, the *larmoyante*, alias weeper, you have guessed right, in part; but I began that in the view of adapting the characters to the company that was here. One was for Greene, one

ludicrous to be forgotten. He assumed what he intended to be a gentle and winning expression of countenance, and then, with a sidelong glance of the eye, threw his ungainly figure into an attitude designed to convey the idea of perfect elegance and grace, and said, "to give you some conception of her gesture and her manner, she looked *just so!*" The echo of the laugh that followed this grave effort at representation, has not entirely died away yet.

for his wife, one for Twaits, one for Mrs. Clark, and so on. But when that company was dispersed by the destruction of the theatre, and finally dissolved by their subsequent miscarriages in Charleston, I had the less inclination to carry it on, for I knew that the various parts required the peculiar powers of those for whom they were drawn; and, not knowing into whose hands they might fall, nor, of course, how they might be marred and the author damned, I was in no hurry to purchase such a catastrophe. But Judge Tucker, to whom I showed, in confidence, the acts that were finished, has put up my courage, and I expect to close the affair before the spring is closed.

I shall *expose it* to you in the perfect confidence that you will not let me *expose myself* by making it public, if you see that there is danger in it; and I now begin to fear there is, for I wished to consult Frank Gilmer on some incidents which I thought of introducing, and, to qualify him to judge, gave him the acts that were finished to read. This was about a week ago. He reads a piece of a scene at a sitting, and puts it away to take up a review or a newspaper, or something else of equal importance: all which is, to me, strong proof that there is but little interest in the affair. I do not think very highly of it myself. There are parts of it that please me; but the scenes are not connected with lightness and grace, and in the *toute ensemble*, I fear it is rather ponderous; but of all this you shall judge, and if you barely call it tolerable, I know the rest, and shall abandon it without a blush or a murmur. I am sure that that kind of composition requires not only peculiar talent, but an intimate knowledge of the stage, and a training in dramatic authorship particularly.

"Produce you a comedy equal to Sheridan's!" A pretty requisition, truly! Sheridan's! One of the first, if not the very first comedy in the English language! And the work, too, of a man whose genius is almost unrivalled in the old world, much more in the new! None of your fun,—"*none* of your *comments*, Mr. Carr!" You had better require me, next, to produce such speeches as Erskine's and Curran's, or such legal investigation as Mansfield's and Hardwicke's, or such tragedies as Shakspeare's, or such histories as Robertson's. No, sir! The affair being homespun, would, I thought, pass very well, in these patriotic times, without equalling the European manufacture.

I know that it is superior to *some* English plays of which it is said, in the British theatre, that they were acted at Drury Lane or Covent Garden, as the case may be, with unbounded applause; but as to its equalling the *best* of them, the brat has no such pretensions.

* * * * * *

Your wife's displeasure at my not writing, I *resent* (as Boyle says) with the liveliest gratitude, and I am sincerely obliged to you for leading her to think me of so much consequence.

This is a poor return for your long kind letter; but you are good-natured, and must therefore expect to be imposed on.

We all join in love to you.

Your ever affectionate friend,

WM. WIRT.

The scheme of writing biography was yet kept alive, as a project of future accomplishment. That scheme, as the reader is aware, embraced the purpose of a series of lives of the most eminent Virginians. It ultimately resulted in the production of the volume containing the biography of Henry. The rest of the plan was abandoned. The motives which led to this restriction of the scheme, are most probably those which are suggested in the following letter of Judge Tucker, whom Wirt had frequently consulted on the subject. The Judge, as we have remarked, was a man of letters, of extensive reading and observation, and one who had had many opportunities to become acquainted with the principal personages embraced in the biographical scheme. The letter of Wirt to him upon this occasion, I have not seen. It is probable it was not preserved. But this reply to it, contains some just remarks upon the difficulties belonging to the task in view, and which were doubtless felt by Wirt, in the further contemplation of this scheme, to an extent which induced the abandonment of his purpose.

ST. GEORGE TUCKER TO WM. WIRT.

WILLIAMSBURG, April 4, 1813.

MY DEAR SIR:

* * * * * *

American biography, at least since the conclusion of the peace of 1783, is a subject which promises as little entertainment as any other in the literary world. Our scene of action is so perfectly domestic, as to afford neither novelty nor variety. Even the biographer of Washington has been reproached with imposing upon his readers the history of a nation, instead of the life of an individual. Parson Weems has, indeed, tried to supply the defect; but I never got further than half the first paragraph:—"George Washington, (says that most renowned biographer,) the illustrious founder of the American Nation, was the first son of ——— Washington, by a *second* marriage: a circumstance, (says this profound divine, moralist and biographer,) of itself sufficient to reconcile the scruples of tender consciences upon that subject." I do not pretend that I have given you a literal

transcript of the passage; but, I believe the substance is correct. I shut the book as soon as I had read it, and have no desire to see any more of it.

This leads me to notice that part of your letter which relates to the subject of biography. How would you be able to give any entertainment to your readers, in the Life of Patrick Henry, without the aid of some of his speeches in the General Assembly, in Congress, in Convention, or in the Federal Court? What interest could be excited by his marrying a Miss ———, and afterwards a Miss D ——; and that somebody, whom I will not condescend to name, married one of his daughters, &c., &c., &c. No human being would feel the smallest interest in such a recital; and, I never heard any thing of him, except as connected with the public, that could amuse, for a moment. The same may be said of Lee, Pendleton and Wythe; and the same may be said of every other man, of *real merit*, in Virginia. They have all glided down the current of life so smoothly, (except as public men,) that nobody ever thought of noticing how they lived, or what they did; for, to live and act *like gentlemen*, was a thing once so common in Virginia, that nobody thought of noticing it.

It is clear to my apprehension, that unless a man has been distinguished as an orator, or a soldier, and has left behind him either copies or notes of his speeches, or military exploits, that you can scarcely glean enough out of his private life, though he may have lived beyond his grand climacteric, to fill half a dozen pages, that any body would trouble themselves to read.

I have known several characters, whose conduct, both in public and private life, I have esteemed models of human perfection and excellence: John Blair, General Thomas Nelson, John Page and Beverly Randolph, were men of the most exalted and immaculate virtues. I knew them all well, nay, *intimately;* yet, for the soul of me, I could not write ten pages of either, that would be read by one in fifty. Colonel Innes may be compared to an eagle in the air. You looked up at him with admiration and delight; but, as Solomon says, there are no traces of his exalted and majestic flight left behind. The only shadow of him that remains, is Robertson's *abridgment* of his speech in the Convention of Virginia, in 1788. That may be compared to the sparks which issue from a furnace, which is itself invisible.

I think it much to be regretted, that such men as I have mentioned above should descend to the grave, and be forgotten as soon as the earth is thrown upon their coffins. But so it is, my friend. Literary characters may leave their works behind them, as memorials of what they were; soldiers may obtain a niche in the temple of Fame, by some brilliant exploit; orators, whose speeches have been *preserved*, will be remembered through that medium; judges, whose opinions have been *reported*, may possibly be known to future judges and members of the bar; but the world cares little about them · and if

they leave no *reports*, or meet with no *reporter* to record their opinions, &c., they sink into immediate oblivion. I very much doubt if a single speech of Richard H. Lee's can be produced at this day. Nevertheless, he was the most mellifluous orator that ever I listened to. Who knows any thing of Peyton Randolph, once the most popular man in Virginia, Speaker of the House of Burgesses, and President of Congress, from its first assembling to the day of his death? Who remembers Thompson Mason, esteemed the first lawyer at the bar?—or his brother, George Mason, of whom I have heard Mr. Madison (the present President) say, that he possessed the greatest talents for debate of any man he had ever seen, or heard speak. What is known of Dabney Carr, but that he made the motion for appointing committees of correspondence in 1773? Virginia has produced few men of finer talents, as I have repeatedly heard. I might name a number of others, highly respected and influential men in their day. The delegates to the first Congress, in 1774, were Peyton Randolph, Edmund Pendleton, Patrick Henry, George Washington, Richard H. Lee, Richard Bland and Benjamin Harrison. Jefferson, Wythe and Madison did not come in till afterwards. This alone may show what estimation the former were held in: yet how little is known of one-half of them at this day! The truth is, that Socrates himself would pass unnoticed and forgotten in Virginia, if he were not a *public* character, and some of his speeches preserved in a newspaper: the latter might keep his memory alive for a year or two, but not much longer.

Instead of an attempt at what might be called a biographical account of any of these persons, perhaps a delineation of their characters only, with here and there a speech or an anecdote, might answer. But anecdotes which might entertain, occur so seldom in private life, in Virginia, that they may be truly said to be

"Rari nantes in gurgite vasto."

Upon the whole, I am inclined to think, biography in Virginia would at present be a hopeless undertaking, although a very interesting selection might be made of Virginia worthies, whose general characters deserve to be remembered and transmitted to the latest posterity. But the misfortune is, that few remain among us who have known and marked the outlines which ought to be traced; and still fewer are capable of giving the rudest sketch of them. I have repeatedly wished that my talent lay that way; but, I feel a thorough conviction that it does not. If we lived together, and in a daily intercourse, I could, perhaps, from time to time, recollect enough of such men as I have mentioned, and some others, to enable you to draw an outline of each, which you might fill up at leisure, from your own resources or the communications of others. But were I to take up my pen for that purpose, I should only betray my own incompetency.

You must be tired of this subject, from which I shall turn away to the "Path of Pleasure." I rejoice that you propose to resume it, and make little doubt you will *once more* acquire laurels in it, — or, as a gamester would say — "*throw doublets a second time.*" To be serious, I trust you will resume it, pursue it ardently, and arrive at a speedy and happy conclusion and termination of it. When finished, I beg to be favoured with a sight of it as early as possible, and pledge myself to do my best for a prologue and, possibly, an epilogue too. But I must have the play, itself, with me at the time, to aid my imagination.

* * * * * * *

Believe me ever, most warmly and most sincerely,

Your friend,

S. G. Tucker.

We have now some pictures of the war—an alarm at Richmond, in this extract from a letter to Mrs. Wirt, who is at Montevideo.

Richmond, June 29, 1813.

* * * * * * *

I thank heaven, with heartfelt gratitude, that you have escaped the idle panic into which the city was thrown on yesterday about twelve o'clock. I was at the market-house, attending a common hall—when we were broken up by the violent ringing of the alarm-bell. The first idea that bolted into my mind was, that our old castle was on fire;—but before I had crossed the market-bridge, an alarm cannon was fired on the capitol hill—then another—and another. Here was the complete signal of invasion. The effect was such as you may conceive. The signal was perfectly understood;—every man had to rush with his musket, to the square:—even the "silver greys" [and parson Blair among them] flew to arms. The report ran that the British were at Rocket's—and we had heard from an authentic source, that they had disgraced themselves at Hampton, by excesses more atrocious and horrible than ever before befel a sacked town — of a nature so heart-sickening, that I do not choose to describe them to you:—they even excited the negroes to join them in these brutal excesses. What, think you, must have been the terrors and agonies of the women here, on the report that the same enemy was in their town? Doctor Foushee applied to me for our carriage to take his daughters to William Carter's, in Caroline county, to which I cheerfully agreed. Wagons were moving furniture from all parts of the town!—but I believe no ladies moved—for before they could prepare, the panic was dissipated. McR * * came rushing on the square with a pistol in each hand crying out, "where are they, where are they?" to which the Governor answered, that they were at City Point;—and Mc ——

disposed of his pistols as soon as he could. It turned out that the British had ascended the river as high as City Point, which is about ten miles below our works and army at Hood's, that they were slowly ascending the river;—and the regiment thus suddenly called, was dismissed till six o'clock this evening. I thought it not imprudent to get all your plate together, and pack up my books for a travel, if another alarm should take place;—which I did. But we heard no more of the enemy until this morning, when we were informed, by an express, that they had gone back again. Amidst the alarm and uncertainty, however, the Governor and field-officers were clamorous and importunate for a company of flying artillery; and I could not resist their importunities, without submitting myself to the censure of indifference at least. So, I raised a company for the defence of the town and neighbourhood—and a most splendid one it is, amounting to near a hundred picked men. Although convinced that we shall have nothing to do, this same company will prevent my seeing you for some weeks—for my company must be trained and made effective and fit for the field before I ought to leave them.

* * * * * * *

Your affectionate husband,

WM. WIRT.

TO JUDGE CARR.

MONTEVIDEO, Buckingham Co., August 23, 1813.

MY DEAR FRIEND:

Let us waste no time in apologies for not writing. It is enough for you to know that you have lived in my heart's core for seventeen years, and that the roots by which you have taken hold of me, have become stronger with every year.

As a friend, I am not conscious that you have any right to reproach me, except that I am an irregular, and if you please, a lazy correspondent. This is the single blot in my *escutcheon;* and I am not very sure that you do not bear the same reproach, so that this is a new point of congeniality, and, of course, of attraction. If those who have been miserable together, love each other the more on that account, why not those who have been lazy together?

* * * * * * *

You would know what I have been doing this summer? Why, reading newspapers, mustering in the militia, hearing alarm-bells and alarm-guns, and training a company of flying artillery, with whom, in imagination, I have already beaten and captured four or five different British detachments of two or three thousand each. *"Silent leges inter arma"—silent musæ quoque*—unless it be the muse of Tyrtæus, who, as Tom Divers says, is one of those cattle I don't suffer to speak to me.

Talking of Tyrtæus, I never saw his fragments till lately. They are most noble productions; and supposing them to have been sung, accompanied by instrumental music, in an army marching to battle, I believe firmly in the effects which history ascribes to them. The author of the Marseilles Hymn, I suspect, had read Tyrtæus. There is a great analogy in the spirit of the productions: the latter, I have no doubt, was suggested by the former.

I wish you would get the minor poets, which you may do in Winchester, I suppose, and read Tyrtæus. If your Greek is rusty, there is a Latin translation; but in several of the most beautiful passages, it is defective, I think, so far as my little remaining Greek informs me. You will enjoy him, I predict, highly.

You have heard all about our Richmond alarms—"the whole truth," as Pope's witness said, "and more, too."

My wife and children were out of town. They were here; but I was "in the thick of the throng." There was nothing wanting but composure. We should have fought like lions; but from the suddenness and agitation of the alarm, it struck me that we should not fire well, at least for the first two or three rounds. We beat our forefathers, as militia. I mean no disrespect to them whom I so much revere, but the fact is so, and it is very easily accounted for consistently with their honour.

We have breathed, for thirty years, the proud spirit of independence, and in this spirit we begin the war. They, on the contrary, were warring against the habit of subjection, and were fighting against some of the strongest tendencies of their own hearts in fighting against their king. They were crushed, too, by conscious poverty, and the almost entire destitution of all the means of war. We, on the contrary, are rich, and armed *cap a pie.* No wonder, therefore, that we have more confidence, pride and courage.

What do you think of young Croghan's defence of Lower Sandusky! He is, by land, exactly what Decatur, Lawrence, Hull and Bainbridge are at sea; the very counterpart of their daring spirits. It is exactly the spirit which Bonaparte displayed at Lodi: and if Croghan's intellect equals his courage, it will only be the want of opportunity which will stop him short of the summit of martial renown.

* * * * * *

My family are all here—in health and spirits. Laura is now writing her Mair's exercise in my study, a room in the third story, about sixty feet from the ground, which opens on the mountains—where I teach my children, and sit and read, and *write rarely.* Writing requires a solitude and self-possession which my children will not allow me.

Laura is reading Virgil. You see I stick to my Latin system. I will try it with her, taking care to leave her time, between this and seventeen, for those accomplishments which she cannot do without.

Robert is delving away at Latin too. He is beginning to parse, which is a thing he hates as bad as Coalter's man did something else.

My twins,—were you to see them playing together on a sheet spread on the floor, so healthy and so sweet.—don't talk, sir!

My wife is in uncommon health, but down-hearted because of the flying-artillery, which she considers a boyish freak, unfit for the father of six unprovided children.

Our love attend you all.

Your friend, as ever, till death.

WM. WIRT.

TO JUDGE CARR.

MONTEVIDEO, October 2, 1813.

MY DEAR FRIEND:

Yours of the 19th ult. overtook me at this place. Agreed,—let us bury the hatchet for past omissions, and do as well as we can hereafter. If we are a little idle or so at times, let it break no squares between us. We have known each other too long and too well, to grow suspicious and captious, and quarrel for straws of etiquette and punctilio.

You say some eloquent things about Croghan and the navy. They are all just, and I echo every sentiment. God speed them! which is as much as they can expect of you and I. Now let us talk of our noble selves—a very interesting subject, about which you have not said more than ten words.

I hear that Lord Hardwicke, Lord Camden and Chancellor Brown, are in danger of a total eclipse! That the decrees at Winchester and Clarksburg have all the rust of legal lore which antiquarians prize so highly, together with the true Ciceronian flow and *nitor*. How is this? Must Coke and Call,* *Peere* Williams and Billy Williams, Raymond and Mumford, all be thrown into the shade, obnubilated, obfuscated and *obruted* for ever and ever! Must Blackstone and Blackburn, Cicero and Shackelford, Mansfield and Magill, be utterly forgotten, pompeized and herculaneized for twenty centuries! Forbid it, *Mercuri facunde*,—forbid it, Apollo, the nine muses and the seven senses! Report me truly on this subject.

Do you really mean to extinguish these comets, to tread out the constellations, lamp-black the milky way, quench the sun, and set the planets at blindman's-buff, that they may rise with unrivalled magni-

* Call, Williams, Mumford, and others here referred to, were gentlemen of the Virginia bar, some of whom had published reports of the Virginia decisions; the others were counsel of note.

ficence on the benighted universe? Give us notice, sir, that we may take our measures accordingly.

And this brings me to speak of the visit made you by Peter and Frank. Would I had been with you! What a time you must have had of it! What three happy fellows! No three happier in the world. To be sure, there have been four, *here*, not far behind you in this particular: for you are to know, that as I passed by Pope's last week, he formed a junction with my caravan, and we arrived at Montevideo on Saturday evening, in high health and spirits. Here, besides the families (Cabell's and mine), we found Frank Gilmer, and we had for four days and nights, what our blacks eloquently call "old laughing."

Pope was in his glory—"fought all his battles o'er again," with triple lustre, "and thrice he slew the slain." In fact, he was very near killing all three of us with laughter, and our wives and children to boot.

He dined one day at Charles Yancey's,—a grave and orderly family. He dropped among them like an unknown waterfowl, and took the Major's mother, an old lady of seventy, so completely by surprise, that he laughed her into an epilepsy. Such a cure for the heart-ache never before existed. "A cure for the heart-ache," you know, is the name of a play.

Apropos—this leads me to speak of mine.——I tried the metal of the piece on —— when I was in Richmond, and found that (to change the metaphor) every key produced the expected note. He cried, laughed, started and gaped with curiosity, just as I intended: so that if he is as good a criterion of the public taste as Moliere's old woman, the piece would certainly take. * * *
If I find that I have the weather-gage of the public, I will give them an annual dose of good morals through this channel.

* * * * * *

We have just received the last Richmond papers. The British parliament prorogued:—no ministers to meet ours in Russia:—the American war to be pressed. Without a glorious campaign this summer by Bonaparte, and the conquest of Canada by us, we shall have no peace this year. O! for an American navy and American Generals! ——

* * * * * * *

But plague on politics and politicians! say I. —— * *

My wife unites with me in love to yourself and Mrs. Carr, and my children also send love to yours. My twins still shine with unrivalled lustre.

May Heaven ever bless and prosper you, and make you as illustrious and happy as my soul wishes you.

Cabell and Frank Gilmer send love piping hot.

Your friend,

Wm. Wirt.

Francis Gilmer was, at this time, an inmate in Wirt's family, and assiduously pursuing the study of the law. I shall hereafter have an opportunity to offer several letters, written to the student by his friend, in the way of advice upon his studies, which will commend themselves to the attention of all who strive to attain the honours of the profession to which these letters refer. The following is the first in this series:

TO FRANCIS W. GILMER.

MONTEVIDEO, November 16, 1813.

MY DEAR FRANCIS:

As, in the bustle of starting, I forgot to shake hands with you, I shall endeavour to offer some atonement for it by giving you the first letter. Had I not been perplexed by the multitude of petty concerns, to which it was necessary for me to attend, I wished to have had some particular conversation with you about the course of your studies; and, more especially, the mode of studying Bacon.

It was understood that you were not only to read all Bacon's references, but to add to them Dallas, Cranch, and the Virginia reporters. There are some British reporters since Gwillim's edition of Bacon that I have; and as, instead of shrinking from labour, you love a task the more for being the more herculean, I would recommend it to you to embrace them in your scheme also.

Whenever the head you are upon involves the subject of pleading, you ought to consult Chitty before you broach Bacon, and learn to draw the plea off-hand, at once. For example,—the first head in Bacon is "Abatement:" The course which we propose is, first, to see what Blackstone says on that subject throughout, which you will easily do by the aid of his index. Consult Tucker's Blackstone, with the editor's notes, to see the changes superinduced by our state law. You will thus have gotten the chart of the coast, at least in outline, and know where you are; next Chitty,—in his first volume you will see his learning on the plea of abatement. In his second, you will see the forms of the plea itself, which you must be able to draw before you lay him down. Thus prepared, you open Bacon, and having read him and his references on the subject, you turn to Bosanquet and Puller, East's Reports, Smith's Reports, Campbell's Reports, Selwyn's Nisi Prius, Espinasse's Reports, — Day's edition, — then the American and Virginia Reports.

In my notes, I would follow Bacon's distribution of the head, and arrange the matter which I collect as he would have done, had he possessed it.

When, for example, you find a case presenting a new principle,--

say, on the subject of "Abatement," as what may be pleaded in abatement,—turn to that division of the head of "Abatement" under which such matter properly comes, and insert the reference there: otherwise, all your own discoveries will come *en masse*, at the end of the head in your note-book, and will be without distribution, order, or light.

You must not read so long at a time, and with so little digestion as to make your head spin, as Lord Mansfield says, nor to fill it with confusion and "aitches" (aches), as Kemble calls it. On the contrary, take your time and see your course clearly; understand the whole ground as you go along, not only geographically, but topographically; keep your books and your route under your eye, as clearly as a general does his army and his line of march; and, like a great general and conqueror, never quit any province you enter, without being able to say, this province is mine, and placing in it an invincible garrison.

The general course is, to gallop over these provinces like travellers in a hurry, and having made one or two remarks, to take it for granted we know all about it,—as Weld, from a single example, pronounces "all the tavern-keepers in this state drunkards, and all their wives scolds." One student, too, as soon as he leaves one of these provinces, having contrived to make his own time very disagreeable in it, as well as very unprofitable, turns about at the boundary line, and making a very profound reverence, says, "I hope never to see you again;" whereas, had he cultivated it properly, he might have made the grounds so profitable and delightful, that it would have been grateful at a future day to return and review them.

I am not one of those who believe in the declension of genius in these latter days.—I believe the paucity of great men, in all ages, has proceeded from the universality of indolence. Indolence is natural to man, and it is only the brave few who can "clear the copse at a bound," break over the magic bourne, and stretch away with "an eye that never winks, and a wing that never tires," into new regions and new worlds; who distinguish themselves from the crowd, and rise to glory that never fades. What kind of men were Littleton, Coke, Bacon, &c.? Think what habits of application they must have had,—what an insatiable appetite for knowledge; not the morbid craving of a day or a week, but the persevering voracity of a long life. Such only are the fellows who climb so high up Fame's obelisk as to write their names where they may strike the eye of distant nations. The many of us who cannot bear the labour of climbing, stand on the ground and stretch up as high as we can: and as this is a paltry business, that depends more on the longest legs and arms than the longest head, it turns out that ——'s name is legible as far as ——'s; and in a very short time they will both be erased by the scrambling herd of their unaspiring successors, who will be as tall as they are,

and will claim their hour of notice, in a world of several leagues in circumference.

You have begun under the happiest auspices,—even set out with a stock of science and information which was not surpassed, I suspect, in the example of Mr. Jefferson, and not equalled in any other; I do not except Tazewell. Now, if you do not keep the advantage you have got, the fault is your own. You may get up among the eminent few, at the top of the obelisk, if you choose; or, if you prefer it, expire among the ephemera at the base. For my own part, independent of the affection which makes me take an interest in you, I have a sort of philosophical curiosity to see what is attainable by man; and I know of no young man so well gifted for the experiment as yourself. The cultivation of eloquence should go hand in hand with your legal studies. I would commit to memory and recite, *a la mode de Garrick*, the finest parts of Shakspeare, to tune the voice, by cultivating all the varieties of its melody, to give the muscles of the face all their motion and expression, and to acquire an habitual ease and gracefulness of gesture and command of the stronger passions of the soul. I would recite my own compositions, and compose them for recitation; I would address my recitations to trees and stones, and falling streams, if I could not get a living audience, and blush not even if I were caught at it. So much for this subject.

* * * * * *

Your friend,

WM. WIRT.

CHAPTER XXI.

1814.

CONTENTMENT.—PROSPEROUS CONDITION.—LETTERS TO CARR.—TO MR. LOMAX.—OPINION OF CICERO.—VIEWS OF THE WAR.—EXTRAVAGANT OPINIONS.—LETTER TO GILMER.—CAMPAIGNING.—INSUBORDINATION OF THE MILITIA.—VISIT TO WASHINGTON.—CONGRESS.—UNFAVOURABLE ASPECT OF AFFAIRS.—MADISON.—WEBSTER.—AVERSION TO PUBLIC LIFE.—ENGAGEMENT IN THE SUPREME COURT.—POSTPONED.

WIRT'S professional position was now securely established, on the same level with the most eminent men of the bar of Virginia. The most difficult and the most dangerous points in the path of his worldly career may be said to have been overcome. The content which

springs from certainty and safety in the affairs of life, was opening broadly upon his household. A numerous family of children was growing up around him. His business was not only profitable, but it was also of a character which rendered it most agreeable to his ambition, by the reputation it brought him, and the scope it gave to a useful and honourable association with the more important individuals and concerns of the society in which he lived. A man becomes aggrandized and strengthened in his place by such connections, as trees whose roots take firmer hold of the soil by the thousand new fibres of a healthful growth.

The natural concomitant of this steady success was a placid and regular life, from which we may not expect much material, just at this time, to give excitement to our narrative. It is in toiling up the steep of fame, that the casualties of human condition, and the adventures which belong to the strife of genius, afford the most animating topics of instruction. The height once gained, the votary's progress is apt to lose the interest of its previous doubtful and anxious struggles, in that period of repose and quiet enjoyment which generally follows successful endeavour as its appropriate reward.

I do not mean to intimate that, at this juncture, the subject of our memoirs had attained a point at which his ambition found nothing further to covet. But he had gained a platform where he rejoiced in disenthralling himself of those misgivings, which we have seen him sometimes disposed to entertain, in the contemplation of his labours to secure an independent position for his family. He felt that his success was assured. He had earned, and was now enjoying, the respect of friends, the consideration of society, the reputation of useful and vigorous talent, and some little celebrity, besides, connected both with forensic and literary eminence. He had health, competence, many of the luxuries and elegancies of life. In short, he had a bright outlook upon the world, which, of itself, is one of the happiest conditions of humanity. Behind him, was the pleasant landscape of many rugged heights traversed and prosperously surmounted. Before him, were eminences rising to the clouds, but with gentler slope and easier way, lightened by a brighter sun, and freshened with a richer verdure. He had limb and nerve to climb them, with a heart as stout as at first.

At this stage of his progress, it is a pleasant duty to lay before my readers that little tissue of his private history, — the history of his thoughts and opinions, rather than of his doings, — which is to be gathered from the light-hearted letters of this time. They deal in small incidents, mostly of a domestic and personal nature, and shed a serene and agreeable light upon his own character, as well as upon that of his friends.

"It is not the habit of my mind," he says, in a letter to Carr, about this time, "to repine at the past. On the contrary, I so far profit by it, as to make it the measure of the future. I look cheerfully forward, and flatter myself I shall yet amass a handsome independence, turn farmer, and, on some fine seat, build a castle and a literary name. 'A castle in the air,' quoth you. Very probably. Yet the illusion is pleasing, and 'Hope,' you know, 'still travels through, nor quits us till we die.' For which companionable temper of hers, I most gratefully thank her Serene Highness, and bid her welcome to my fireside."

TO JUDGE CARR.

RICHMOND, February 15, 1814.

MY DEAR FRIEND:

You have written me such a letter as I have not seen this many a day before. I have just been reading it all the way from the post office, from which it took me half an hour to walk, and I experienced, in reading it, some of the most delicious suffocations that ever touched me. I don't know whether you have enough of the woman in you to understand this expression: if not, so much the better for you, according to Hume. Not that I doubt your sensibility. I know that well: but I don't know that it ever takes you by the throat. Your manhood might rebel at such a liberty; and yet I have seen it make pretty free with your eyes.

The truth is, that your praise gives me more pleasure than that of all the other men in the world put together. I have had such long and intimate experience both of your candour and judgment: I know them both to be of the very first quality. You have had, too, such an opportunity of judging me as no other man alive has had; and when I add to this the tenderness and sincerity of your friendship for me, you may well believe that I speak in the simplicity of my heart, when I say that I would not exchange your good opinion of me, for that of all the great and little men of the nation. Nay, that I should

find ample consolation and refuge in your esteem and affection from the desertion of all the world of men besides.

It is in vain that conscience tells me I do not deserve what you say of me; for immediately I retort on conscience as the sailor did on the man whom he was about to throw overboard, "do you know better than the doctor!" If I were very anxious to convince you of your error, I would tell you that I fear any one but a partial friend would smile at your recital of the evidences of my talents. The British Spy and the Old Bachelor! "Against eight hundred ships in commission, we enter the lists with a three-shilling pamphlet," said John Randolph of Mr. Madison's book on Neutral Rights;—and too surely I fear that, weighed against the great and copious works of a man of genuine talents and resources, the poor little British Spy and the Old Bachelor would sink, (or, rather to keep up the metaphor of weighing, would *rise*) into equal contempt. To tell you the truth, I fancy myself much such a fellow as a late Edinburg review describes Horace Walpole to have been;—that is to say—as having begun life with a most ardent passion for literary fame of the noblest order, but having convinced himself, by two or three experiments, that nature had denied him the qualities which are essential to the composition of a great author, he took it out in gay and frivolous laughter at himself and all other literary pretenders; and found that his talents were at home only in light-hearted raillery. Mine have been only short and sportive excursions, exceedingly light and desultory, and, I fear, exceedingly frothy and flashy. I have written no sustained work; nothing which shows those masterly powers of investigation, of arrangement, of combination, of profound and great thinking, of the character of which I should be proud, and in which alone I should feel any satisfaction. Such a work as Robinson's Charles Vth, for example, or as Tacitus' Annals, or Plutarch's Lives, even, would content me. Is not this modest? By-the-bye, I don't think much of Plutarch's Lives, for the authorship. They owe their celebrity, I suspect, much more to the excellency of the materials than to the workmanship. He seems to me to reverse Ovid's *materiem superabat opus*, and is, in my humble opinion, very much of a dry, babbling, superstitious old woman. You see I am off the track. Well—here I go.

Talking of authorship, I shall send you by Magill to-day, George Hay's work on Expatriation. I want your opinion of it: not for Hay, but for myself. I will not tell you what we think of it here: I mean we, your particular friends. I will only tell you that by men much greater than we pretend to be, it has been cracked up to the stars. Mr. Madison, it is said, has presented several copies of it in great triumph to Jeffries, the master reviewer at Edinburg. Ingersoll, Duponceau, Rush and old John Adams, have eulogized it in the strongest terms. It is making a great noise amongst the political *literati* of the North, and is overshadowing its author with laurels.

Read it with attention. Weigh it with your usual thought and care, and let me have your conscientious opinion of it.

Now turn we to a much more interesting work,—your boy.* How much I am gratified by this incident, I will not, because I cannot, tell you. I learn, too, that it is no sudden freak to give him this name: that your girls have baulked the project many a time before. Had you any superstition, you would think that Providence thus interfered to give you time for consideration. But let us not be given, like Father Shandy, to too close reasoning on small matters. Let me tell you that Mrs. Carr's determination in this affair, is sweeter to me than the oil that was poured on Aaron's head. I love, honour, and you shall obey her. Tell her that the boy shall never have cause to blush for his name, so far as honour is concerned, unless, as you say, "the devil is in it—and then I shall never believe it till it happens." May heaven bless the boy, and make him a halo of glory around his parents' heads! It is, indeed, a dread responsibility which we fathers have. Yours is nothing. To act properly and exemplarily is natural to you. I give you no credit for it. Nature mingled your elements and gave your blood its current. To act wrong would just be as unnatural to you as to act right is to the greater part of the world. But what is to become of such a wayward, undisciplined rabble of spirits and habits as mine; how am I to manage them so as to place a grave, reverend, and patriarchal example before my children? I'll tell you what, sir—as old Mr. J—— used to say, "there's no more chance for me—no—no more than there is for the Pope of Rome,"—for whom, by-the-bye, according to the present posture of affairs in Europe, there seems to be a pretty good chance.

Apropos—(very apropos indeed!) what think you of this reverse of Bonaparte's fortunes? "Consuesse enim, Deos immortales, quo gravius homines ex commutatione rerum doleant, quos, pro scelere eorum ulcisci velint his secundiores interdum res et diuturniorem impunitatem concedere." As for Napoleon, I care no more for him, in himself considered, than I do for any other tornado that is past. But will France, drained and exhausted, be able to make head against this northern hive, or will she share the fate of Poland? I am curious to see the character of France in this new situation in which she is placed. How will she regard Bonaparte in eclipse? What will be the result to Europe of this recoiling flood of success? We live in an age of most wonderful events, but they are of a most stern and ferocious character. They have not the interest or magnificence of the Crusades: so much can sentiment do in these matters, and such a grace can chivalry and a generously mistaken christianity shed upon a cause.

* Carr had just named a son after his friend. The next letter, it will be seen, was occasioned by the death of this boy.

What effect will Napoleon's reverse have on us? Some think that Britain will take, if not higher, at least more obstinate ground against us on account of her triumphs. Others, again, think that having gotten the Emperor down, she will be anxious to devote all her powers to his annihilation, and therefore be the better inclined to have peace with us. My own opinion is that she has no notion of giving up any point in the quarrel; that with the latter of those two views she may probably be inclined to a truce, and that she will then negotiate with us, if we will indulge her, till she has tried the issue of her arms on France; but that in any event she will finally persist in the principles and practices against which we are at war.

But what care we for politics—let us talk of our children.

* * * * * * *

The Old Bachelor is not yet at hand. Ritchie announces that he is shortly expected. I will send you a copy by the earliest conveyance. By-the-bye, quere, whether even compositions of this character are not calculated to produce the effect which your brother ascribed to play-writing? I am afraid that both the Old Bachelor and the British Spy will be considered by the world as rather too light and *bagatellish* for a mind pretending either to stability or vigour. I recollect no man of eminence, (I mean political eminence,) either in this or any other modern country, who has descended to such amusements. To tell you the simple truth, politics never appeared to me to be a desirable field, or one for which I was fitted either by nature or habit; and, therefore, I have never squared my course by any such anticipation. But if you are in earnest in your prophecies about me, and in wishing also to see them fulfilled, it is time for me to cast my manners and rules of action over again. "I shall never believe it though, till I see it," as you say on another occasion.

My wife, who has read your letter with as much pleasure as I have done, unites with me in love to you and yours. * * The Governor (meaning Cabell,) and his wife, and Frank Gilmer greet you kindly.

Your friend,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, May 15, 1814.

MY DEAR FRIEND:

I received, yesterday, your letter of the 6th instant, giving the distressing account of the loss of your dear boy. It is a rude and dreadful blow. But we are in the hands of a Being who governs the Universe at His pleasure, and whose dispensations, I believe, however deeply they cut at the moment, are always destined to avert some greater calamity. You might have lost him at a more interesting age,

after those chords with which he had begun to take possession of your hearts had become more complete and more strong. You might have lost him under circumstances, and by a mode of death still more heart-rending and distracting. My own sufferings from the death of friends and children have been so severe, that I have sometimes found myself rebelling against the author of all good, and arraigning both his justice and mercy. Parnell's Hermit first put me right on this subject; taught me to regard afflictions themselves "as blessings in disguise," and to kiss the rod with humble resignation. We have nothing else for it, my dear friend, in this life. We can neither stop nor change the course of events, much less can we recall them. To surrender ourselves to unavailing sorrow on account of the dispensations of Providence is, therefore, not the path which either reason or religion would point out to us. To mourn over such a loss as you have experienced, is, indeed, both natural and inevitable; but to permit it to hang upon the heart and to weigh down the mind and spirits, is inconsistent with our duty, both to ourselves and others. You have excellent children, who are still spared to you. You and your wife are both young, and Heaven, I doubt not, will richly supply the place of the cherub who has been taken from you. How apt we are to aggravate our afflictions, by imagining that if we are not the only sufferers in the world, we are certainly the greatest! Alas! where is the man with a family who has not imagined the same thing of himself! You know that I myself lost two of the best children in the world, within a month of each other; one of them, too, a perfect beauty, and in the very age of fascination. My eyes, at this moment, fill at the recollection of that girl: but she is an angel in Heaven, and has escaped from all those sorrows and sufferings which continue to scourge us. God's will be done! Let us submit ourselves to his power, wisdom and goodness, confiding that, in his own good time and way, he will bring good out of evil, and show us that we have mistaken a blessing for a curse.

* * * * * *

My wife begs Mrs. Carr to be assured of her sympathy. We pray God to bless you both.

Farewell,

WM. WIRT.

The next letter has reference to some opinions upon the merits of Cicero's works, which had been disparaged in the British Spy. It is addressed to a friend who resided at Menokin, in Richmond County, on the Rappahannock.

TO JOHN TAYLOR LOMAX.

RICHMOND, July 7, 1814.

MY DEAR LOMAX:

* * * * * *

I would fain apply this recess of the Courts to my law books, and a preparation for the fall and winter campaign; but I have not the courage. And so, having bought at Jock Warden's sale, Verburgius's folio edition of all Cicero's works, I have been brushing up my Latin and have read with great delight, his Orator and his Brutus. But my delight only continues while I have my eyes fixed on Cicero; for the moment I turn them, by way of comparison, on the brightest of our own native models, my heart sinks and dies within me. What children we are, my dear Lomax—what boys, and raw boys too, compared with that wonderful man! I have once wronged him by the publication of an opinion concerning him; but I hope to live to repair the error. Middleton, whose book I have also read since the courts rose, observes, that no man who has ever read Cicero's books on Oratory, will wonder that he has stood unrivalled to the present day; for there never was, he says, and there never will be again, such a union of talents and of toil. If such glory could be carried by a *coup de main*, even at the risk of life, who would not aspire to it? But to be able to effect it only by a siege for life,—and such a siege too,—not one day in every week, but every day devoted, and most enthusiastically devoted, to the pursuit!—it is enough to shake a much more constant man than me. What say you to it! You will say, perhaps, that in these war times I might be better employed than in reading Cicero. But "I deny your hypothesis," as one of Judge Coalter's Scotch-Irish acquaintances replied to a man who had given him the lie. The Legislature have dismantled my flying artillery, by prohibiting the Executive from supplying us with horses and other munitions of war, whereby they have driven me into the ranks of the militia again, and there I stand until the war comes to me.

Oh, for an American General!—What can we do without one, but erect monuments to our own folly and disgrace on the Canadian frontier? Had we a commander worthy of our cause and of our people, the army would be the resort of character and talents, and we might once more "put the British troops to school." As it is—Good Lord deliver us!

They say the hostages are delivered up;—and, I suppose, we shall go on, in the sanguine hope of peace, acting as if that peace had already taken place, till the Philistines be upon us. How far may the designs of England reach? She has just seen France complete the circle of her Revolution by returning to her old allegiance. May she not improve upon the hint in regard to us? and want her American Colonies again, to preserve her balance against those great powers who

have been shaking Europe to its foundations? May not our divisions foster such a project? If she has such a project in her head, although perfectly chimerical, it will tend, I apprehend, to prolong the war, as well as to render it much more obstinate and bloody.

* * * * * *

Your sincere and cordial friend,

WM. WIRT.

The present generation will be amused at these speculations upon the purpose of England, in the war to which they refer. They are worthy of note, as expressing opinions and apprehensions which many seriously entertained in this country,—but which we can scarcely imagine ever found a place in the deliberations of a British cabinet. Between the war of the Revolution and that of 1812, the interval, as it had not obliterated the animosity of the country against England, so, neither had it entirely removed the suspicion of a desire, on the part of our old enemy, to attempt the reconquest of her lost colonies when occasion might seem to favour the enterprise. The vestige of this sentiment left upon the minds of the people, somewhat resembles that connected with the Pretender, whose apparition disturbed the dreams of Englishmen even at the date of the birth of George the Third. The lapse of time between the war of 1812 and the present day, amongst its miracles of national progress, has thrown this fancy of the reconquest,—if any sane man ever indulged it,—into the category of the most harmless of dreams; with even less of the probable in it than that counterpart prophecy, which we have heard in this our own day—"That man is now alive, with a beard upon his chin, who will see an American army reviewed by an American general, in Hyde Park." Let us hope that the guardian genius of the future destiny of two great nations, will keep such "toys of desperation" out of the minds of both; and even confirm them in the virtuous faith, that peace and brotherhood have nobler triumphs than the vulgar glories of war. May their strength never be measured in more destructive contest than that which shall be seen in the rivalry of beneficent acts and the exchange of the physical and intellectual wealth of civilization!

Francis Gilmer had now removed to Winchester, with an intent to commence the practice of the law. He was consigned by Wirt to the special guidance of his friend Carr. The following is an extract from a letter to the young practitioner on this occasion.

TO FRANCIS W. GILMER.

RICHMOND, July 13, 1814.

MY DEAR FRANCIS:

I thank you for yours of the 14th, which I have just received. You magnify very much the slight favours which we have had it in our power to render you. Such as they are, they have been most cheerfully rendered; and you have more than counterbalanced them by the pleasure of your society.

* * * * * * *

Your friends are all interested in your making a first-rate figure. Mediocrity will not content us. But this eminence is not to be reached *per saltum*; you will find it pretty much of an Alp-climbing business. The points of the rocks to which you cling will often break in your hands, and give you many a fall and many a bruise. Those who are in possession of the mountain before you, will annoy you not a little and increase the natural difficulties of the passage. But, instead of despairing at the first fall, or at the twentieth, remember the prospect from the summit, and the rich prizes that await you,—wealth, beauty, glory. Above all, do not be disheartened at the high expectations which you know to be entertained of you, or too prompt to despond at your first failures and the slowness of your progress. We all know that it is "a rough roll and tumble" game in which you are engaged, and if you are thrown, (as thrown you will be, again and again,) you must *up* with a laugh, catch a better hold next time, and try it again. Do not calculate on feeling perfectly at your ease in this gymnasium, under two or three years; and these, not two or three years of indolent hanging on, (from which you could learn nothing,) but of daily and arduous exercise and study. You know you have much yet to read, to fill up the outline which we had marked out for your preparatory studies. You must, especially, make yourself intimate with the Virginia reporters, and feel at home in all the cases, so as to have, not only the principles, but the names of the cases ever ready.

You cannot conceive how much the mastery of our State decisions will place you at your ease, and what vantage-ground it will give you, over the generality of your profession. The law is to many, at first and at last too, a dry and revolting study. It is hard and laborious; it is a dark and intricate labyrinth, through which they grope in constant uncertainty and perplexity,—the most painful of all states of mind. But you cannot imagine that this was the case with Lord Mansfield, or with Blackstone, who saw the whole fabric in full daylight in all its proportions and lustre; who were, indeed, the architects that helped to build it up. Although, at present, you walk, *as it were*, through the valley of the shadow of death, yet keep on, and you will

emerge into the bright and perfect day; and leaving behind you the gropers, and bats, and moles, you will see the whole system at one glance, and walk like the master of the mansion, at your ease, into any apartment you choose. O diem præclarem! Then you will handle your tools, not only dexterously but gracefully, like a master workman, and add, yourself, either a portico, a dome, or an attic story to the building, and engrave your name on the marble, Proh spectaculum! But enough, and more than enough, to you who require rather the rein than the spur. I feel great anxiety for you, and am very anxious to hear of your *debut*. Avail yourself of the first favourable opportunity to make it; taking full time for preparation, (but not for pompous preparation, which would ruin you;) and give me an ingenuous account of the whole affair. Remember in your preparations, that *enucleare* does not signify to mash the kernel, and take out a part—but to take out the whole, neat and clean.

* * * * * * *

We all join in love and best wishes to you.

Adieu.

Wm. Wirt.

We shall now find some pictures of a militia campaign, in the following extracts from a correspondence with Mrs. Wirt. The enemy had captured Washington on the 24th of August. The British fleet had descended the Potomac River, and was now in the Chesapeake Bay. Its destination remained unknown in Richmond, until the movement on Baltimore became apparent. The failure on Baltimore, on the 12th and 13th of September, animated the hopes of the people living in the vicinity of the Chesapeake, and increased their confidence in their power to repel an attack on any other point. A camp was formed below Richmond, on the York River, at a place known as Warrenigh Church. Wirt was there, a captain of artillery, in command of a battalion.

These extracts supply some incidents of camp life.

Warrenigh, September 9, 1814.

"Your most seasonable supply, under convoy of our man Randal, came in last evening. The starving Israelites were not more gladdened by the arrival of quails and manna than we were by the salutation of Randal. The fish would have been a superb treat, had there been such an article as a potato in this poverty-stricken land. And yet the parish, according to the old inscriptions, is called 'Bliss-land.'—The church was built in 1709.

"The British fleet are said to have descended the bay, or to be now doing so. There was a seventy-four at the mouth of York River, day before yesterday. She weighed anchor, yesterday, and went up the bay."

September 12.

"Your kindness and thoughtfulness has filled my camp with luxury I fear we shall have no opportunity to become memorable for any thing but our good living—for I begin to believe that the enemy will not attempt Richmond. They are said to have gone up the bay on some enterprise. If they are hardy enough to make an attempt on Baltimore, there is no knowing what they may not attempt. We are training twice a-day, which doesn't well agree with our poor horses. We have a bad camping-ground—on a flat which extends two miles to the river—the water is not good, and the men are sickly. I shall want a tent,—about which Cabell must interest himself. Let the materials be good, and have it made under Pryor's direction."

September 13.

"An express this morning tells us that five square-rigged vessels are at the mouth of York River. It is conjectured that the British fleet is coming down the bay. Their object, of course, is only guess. Their position indicates equally an ascent of York or James River, or an attack on Norfolk, or a movement to sea to intercept Decatur's squadron."

September 16.

"A letter last night from Cabell, with a good tent and some clothes—for which I beg you to thank him."

* * * * * * *

September 19.

"The struggle, I now believe, will be a short one. The invincibles of Wellington are found to be vincible, and are melting away by repeated defeats. The strongest blows they have been striking have been aimed only at the power to dictate a peace. A few more such repulses as they met at Baltimore will extinguish that lofty hope, and we shall have a peace on terms honourable to us.

"We have heard nothing from them since they left Baltimore: so that they cannot be yet coming this way,—and we are at a loss to conjecture what they are at.

"Our volunteers are becoming disorderly for want of an enemy to cope with. Quarrels, arrests, courts-martial, are beginning to abound. I have had several reprimands to pronounce at the head of my company, in compliance with the sentence of the courts. To one of these, James, our man, held the candle—it being dark at the time;—and when I finished and turned round, the black rascal was in a broad grin of delight. I was near laughing myself at so unexpected a spec-

tacle. My men are all anxious to return home:—constant applications for furloughs, in which Colonel Randolph indulges them liberally. At present I have not more than men enough to man two guns. One of my sergeants deserted this morning;—another will be put under arrest presently. So much grumbling about rations,—about the want of clothes,—about their wives,—their business, debts, sick children, &c., &c.,—that if I get through this campaign in good temper, I shall be proof against all the cares of a plantation, even as Cabell depicts them.

"—— I am perpetually interrupted by the complaints of my men. Yet I do well, and, if they leave me men enough, I shall be prepared for a fight in a few days. We expect the enemy somewhere in Virginia, to avenge their discomfiture at Baltimore."

September 26.

"Still at Warrenigh, and less probability of an enemy than ever. We are doing nothing but drilling, firing national salutes for recent victories, listening to the everlasting and growing discontents of the men, and trying their quarrels before courts-martial. I have endeavoured to give satisfaction to my company, so far as I could, compatibly with discipline. My success, I fear, has been limited. In addition to their rations, which have been very good and abundant, I have distributed to the sick, with a liberal hand, the comforts which your kindness had supplied. The company is well provided with tents and cooking utensils, yet they murmur incessantly. Such are volunteer militia when taken from their homes, and put on camp duty. One source of their inquietude is, that they thought they were coming down merely for a fight, and then to return. Being kept on the ground after the expectation of a battle has vanished, and not knowing how long they are to remain—looking every day for their discharge—they are enduring the pain of hope deferred, and manifest their disquiet in every form. Of such men, in such a state of mind, in such a service, I am getting heartily sick.

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"I was never in better health, and were my men contented, I should be in high spirits. As it is, I shall bear up and discharge my duty with a steady hand. * * * * *

Frank Gilmer, Jefferson Randolph, the Carrs, Upshur, and others, have got tired of waiting for the British, and gone home. David Watson is the only good fellow that remains with us. He is a major, quartered at Abner Tyne's,—messes with us,—takes six pinches of snuff to my one, which he thrusts two inches up his bellows nostrils, and smiles at the luxury of the effort. He is an excellent fellow, and has spouted almost all Shakspeare to us. You remember him as a contributor to the Old Bacheler. He, my second captain, Lambert, and my second lieutenant, Dick, make admirable company for me."

September 28.

"The Blues at Montpelier are suffering much from sickness. Murphy, your brother John and his friend Blair are all down. The other companies are almost unofficered—the men very sickly. I strongly suspect that if we are kept much longer hovering over these marshes, our soldiers will fall like the grass that now covers them. We hope to be ordered in a few days to Richmond. It is believed on every hand that the British, with their mutinous and deserting troops, will not attempt a march on Richmond through the many defiles, swamps, thickets and forests that line the road, where, besides the abundant opportunities for desertion, nature has formed so many covers for our riflemen and infantry. * * * * If we should be ordered to Richmond, I have no idea that my company will be discharged. It will be kept there ready to march at a moment's warning."

Here ends the campaign of Captain Wirt, and with it the last of his military aspirations. This little piece of history is a faithful transcript of some of the most characteristic incidents of militia warfare in nearly all the service of the war of 1812.

"I would not," says the author of this brief diary, in a subsequent letter to Mrs. W., "with my present feelings and opinions, accept of any military commission the United States could confer. * * * I will be a private citizen as long as I can see that, by being so, I shall be of use towards maintaining those who are dependent upon me; holding myself ever ready for my country's call in time of need. * * * *

"We shall soon see whether Lord Hill, who is expected on the coast with fourteen thousand men, will single out Virginia for his operations. My own impression is that he goes to the relief of Canada, which feels itself in danger from our recent successes there."

Some business for a friend now took him to Washington. It was in October of this year—1814. Congress was in session. The Capitol was in ruins, having been burnt by the enemy in August. The President's house was in the same condition. There were other vestiges of the ravages of the late visitation of General Ross and Admiral Cockburn.

TO MRS. WIRT.

Georgetown, D. C., October 14, 1814.

"Here I am at Crawford's. * * I am surrounded by a vast crowd of Legislators and gentlemen of the Turf, assembled

here for the races which are to commence to-morrow. The races! —amid the ruins and desolation of Washington.

* * * * *

"We reached here on Friday night. On Saturday, after washing off the dust of the journey, I sallied forth to the War Office, my business being with Colonel Monroe. He was not there. I went to look at the ruins of the President's house. The rooms which you saw so richly furnished, exhibited nothing but unroofed naked walls, cracked, defaced and blackened with fire. I cannot tell you what I felt as I walked amongst them. * * From this mournful monument of American imbecility and improvidence, and of British atrocity, I went to the lobby of the House of Representatives,—a miserable little narrow box, in which I was crowded and suffocated for about three hours, in order to see and hear the wise men of the nation. They are no great things. At five, to Monroe's, and was cordially received by him.

* * * * *

"Last night I went to church, and heard a Mr. Inglis of Baltimore, deliver what I should call—not a sermon—but a very elegant oration in a theatrical style. The composition was rich, but I thought out of place; his manner still more so. * * *

"P—— and I called on the President. He looks miserably shattered and wo-begone. In short, he looked heart-broken. His mind is full of the New England sedition. He introduced the subject, and continued to press it,—painful as it obviously was to him. I denied the probability, even the *possibility* that the yeomanry of the North could be induced to place themselves under the power and protection of England, and diverted the conversation to another topic; but he took the first opportunity to return to it, and convinced me that his heart and mind were painfully full of the subject.

"The arrival of a despatch gave us an opportunity to retire. He invited us to dine with him, but we declined, having planned an excursion to Bladensburg, and, perhaps, Baltimore. * * We then went to the War Office. The Secretary kept me engaged in political conversation till four o'clock. By this detention, I lost a speech of the celebrated Webster, which I would not have lost for all the Secretary's eloquence. To-day, I go in the hope of hearing Pickering,—having declined the Bladensburg trip, in consequence of the importance of the debate. Tell Cabell to prepare for the tax: the direct tax will certainly be increased one hundred per cent. * * A hundred thousand regulars, and from twenty to thirty thousand provisional troops will be raised for defensive and offensive war. The war in Canada will be pushed with vigour. War between France and England is expected by the high powers here;—on what grounds I have not learned."

This visit to the city of Washington was the commencement of a long and intimate connection with affairs, both professional and political, on that theatre. Wirt was now about to become a practitioner in the Supreme Court. In a letter to Carr, dated Richmond, 10th of December, he refers to an engagement which may possibly bring him into a trial of strength with one whom he afterwards met in many a contest, and whose name at that day gave to the American bar its most brilliant light. This trial did not take place as soon as expected, but was deferred for another year. In the extract from this letter, which follows, we may see that the writer's mind has been touched by some presage of a connection with public life.

"Government, my friend, is but an up-hill work at best; and not least, perhaps, this elective government of ours, where the public good is the last thing thought of by the Legislator—his own re-election being the first. What a stormy life is this of the politician! What hardness of nerve, what firmness of mind and steadiness of purpose does it require to sit composedly at the helm, and ably at the same time! Give me a life of literary ease! This is, perhaps, an ignoble wish; but it is, still, mine. Let those who enjoy public life ride in the whirlwind! I covet not their honours,—*although, if necessary, I would not shrink from the duty.*

I have some expectation of going to Washington in February, to plead a cause. The preliminaries are not quite settled. Should they be so to my satisfaction, will you meet me there? I shall be opposed to the Attorney-General, and, perhaps, to PINKNEY. 'The blood more stirs to rouse the lion than to hunt the hare.' I should like to meet them."

Mr. Pinkney had resigned the post of Attorney-General after holding it about two years, and was succeeded, in February 1814, by Mr. Rush. We may note in the closing aspiration of this last extract, as a curious coincidence, that this wish is breathed by one who was destined to become the Attorney-General, and whose ambition was to meet in debate the combined powers of one who had been, and another who was then, the occupant of that high post in the Government.

CHAPTER XXII.

1815—1816.

VISITS WASHINGTON TO ATTEND THE COURT.—RETURNS.—PEACE RESTORED BY THE TREATY OF GHENT.—LETTER TO GILMER.—RESUMES THE BIOGRAPHY OF HENRY.—DIFFICULTIES OF THIS WORK.—SCANTINESS OF MATERIAL.—THE AUTHOR WEARY OF IT.—LETTER TO CARR ON THE SUBJECT.—DABNEY CARR THE ELDER.—THE ORIGIN OF THE CONTINENTAL CONGRESS.—PETER CARR.—LETTERS TO CARR AND GILMER.—GEORGE HAY RESIGNS THE POST OF DISTRICT ATTORNEY.—WIRT RECOMMENDS UPSHUR TO THE PRESIDENT.—MODERATION OF POLITICAL FEELING.—MR. MADISON APPOINTS WIRT TO THE OFFICE.—CORRESPONDENCE IN REFERENCE TO THIS APPOINTMENT.—MAKES HIS DEBUT IN THE SUPREME COURT.—ENCOUNTERS PINKNEY.—HIS OPINION OF PINKNEY.—LETTER TO GILMER.—LETTER TO CARR ON "THE PATH OF PLEASURE," AND HIS OPINION OF THIS DRAMATIC ATTEMPT.—CORRESPONDENCE WITH MR. JEFFERSON ON THE SUBJECT OF THE BIOGRAPHY.—LETTER TO RICHARD MORRIS.

WIRT repaired to Washington soon after the date of the last letter. It seems, however, that the opportunity for his debut in the Supreme Court was postponed. He remained a few weeks at the capital, amused with the scenes it presented to him, and employing his time in extending his acquaintance with public men.

Early in 1815, peace was restored by the Treaty of Ghent, and a universal joy filled the heart of the country. Every one thought of getting "back to busy life again"—happy that the stagnation to industry, the waste of war and all the disorders of interrupted peace were to give place to the orderly pursuit of personal interests. Wirt shared in this sentiment as warmly as any one, and betook himself with fresh ardour to his customary labours.

We have here, another letter of professional admonition to his young friend.

TO FRANCIS W. GILMER.

RICHMOND, July 23, 1815.

MY DEAR FRANCIS:

We thank you for your affectionate favour of the 17th, from Albemarle. Providence, I believe, is ordering every thing for the best for you. I do not know that we have much occasion to regret the disappointment of this trip of yours to Europe. Our friend Coalter is vociferous against it — and let me tell you, that his judgment is as solid as his native mountains, and moreover, that he takes a strong interest in your prosperity. You lose by it, imagination? Create Dr. Johnson's ideal rival of perfection in the view of European models; but can you not supply them by your own mind, and compete with it? The which ideal rival is only Cicero's *aliquid immensum*, &c. You are to bear in mind, that we all have our eyes and our hopes upon you. You are to remember that glory is not that easy kind of inheritance which the law will cast upon you, without any effort of your own; but that you are to work for it and fight for it, with the patient perseverance of a Hercules. You are also to bear in mind, that the friends who know and love you, and acknowledge your talents, are not the world. That in regard to the world, upon which you are entering, you are unknown; that with them you have to make your way, as a perfect stranger. And that it is not by the display of your general science, that the herd is to be caught; but by the dexterity with which you handle your professional tools, and the power which you evince to serve your clients in your trade. Now, the law depends on such a system of unnatural reasoning, that your natural reasoning, however strong, will not serve the turn. It is true, that when you once understand this artificial foundation, your natural reason will avail you much in applying it, and measuring your superstructure.

But, in the first place, you must read, sir: — You must read and meditate, like a Conestoga horse,—no disparagement to the horse by the simile. You must read like Jefferson, and speak like Henry. If you ask me how you are to do this, *I* cannot tell you, but you are nevertheless to do it. There is one thing which I believe I have not mentioned to you, more than about five hundred times, which you are constantly to attend to—and in this *you must* respect my advice and follow it: let your debut be a decisive one!!! Don't make your first appearance in a trifling case. Get yourself, either by a fee or voluntarily, into the most important cause that is to be tried in Winchester, at the fall term. Let it be such a cause as will ensure you a throng of hearers:—master the cause in all its points, of fact and law; digest a profound, comprehensive, simple, and glowing speech for the occa-

sion—not strained beyond the occasion, nor beyond the capacity of your audience;—and make upon the world the impression of strength, of vigour, of great energy, combined with a fluent, animated, nervous elocution; no puerile, out-of-the-way, far-fetched, or pedantic ornaments or illustrations, but *simple*, *strong*, and *manly—level yourself* to *the capacity* of *your hearers*, and insinuate yourself among the heart-strings, the bones and marrow, both of your jury and back-bar hearers. I say jury—because I fear that a chancery cause, although it affords the best means of preparation, will give you no audience at all; and I want you to blow your first blast, before a full concourse, both loud and *shrill*:—and hereof, I think, gentle reader, this little taste may suffice.

Your notions of your indulgence in general science, are correct. Don't quit them—but let them be subordinate to the law. By-the-way, there is one thing I had liked to have forgotten. One of the most dignified traits in the character of Henry, is the noble decorum with which he debated, and uniform and marked respect with which he treated his adversaries. I am a little afraid of you in this particular; for you are a wit, and a satirist—God help you! Take care, take care, take care of this propensity. It will make you enemies, pull a bee-hive on your head, and cover your forensic path with stings and venom. I pray you, aim at masking yourself with Henry's distinguished character for decorum. Let it be universally agreed, that you are the most polite, gentlemanly debater at the bar. That alone will give you a distinction—and a noble one too; besides it is a striking index, and proper concomitant of first-rate talents.

Don't forget your promise in regard to Mr. Jefferson, and the gallery of portraits. * * * *

Continue to write to me. Heaven bless you.

WM. WIRT.

At this time the biography of Henry was resumed, with a stout resolve to bring it to a conclusion. We have abundant evidence that this had already grown to be a most irksome labour.

The following letter to Carr playfully presents the difficulties of this undertaking, and shows how reluctantly Wirt struggled with his task. It contains also an allusion to Dabney Carr, the father of his friend, and the compatriot of Henry; a gentleman most favourably known in the short legislative career to which we have heretofore adverted, and whose early death had blighted the promise of a fair renown.

Mr. James Webster, of Philadelphia, to whom also this letter has a reference, was already engaged as the publisher of the forthcoming

volume, and had made some announcements of it to the public, which, it will be seen, had served to augment the author's disrelish of his enterprise.

TO JUDGE CARR.

RICHMOND, August 20, 1815.

MY DEAR FRIEND:

* * * * * *

Now for Patrick Henry. I have delved on to my one hundred and seventh page; up-hill all the way, and heavy work, I promise you; and a heavy and unleavened lump I fear me it will be, work it as I may. I can tell you, sir, that it is much the most oppressive literary enterprise that ever I embarked in, and I begin to apprehend that I shall never debark from it without "rattling ropes and rending sails." I write in a storm, and a worse tempest, I fear will follow its publication. Let me give you some idea of my difficulties. Imprimis, then,—I always thought that Bozzy ranted, in complaining so heavily of the infinite difficulty and trouble which he had to encounter in fixing accurately the dates of trivial facts; but I now know by woful experience that Bozzy was right. And, in addition to the dates, I have the facts themselves to collect. I thought I had them all ready cut and dry, and sat down with all my statements of correspondents spread out before me; a pile of old journals on my right, and another of old newspapers on my left, thinking that I had nothing else to do but, as Lingo says, "to saddle Pegasus and ride up Parnassus." Such short-sightedness is there in "all the schemes o' mice and men:" for I found, at every turn of Henry's life, that I had to stop and let fly a volley of letters over the State, in all directions, to collect dates and explanations, and try to reconcile contradictions. Meantime, until they arrived, "I kept sowing on."

In the next place, this same business of stating facts with rigid precision, not one jot more or less than the truth—what the deuce has a lawyer to do with truth! To tell you one truth, however, I find that it is entirely a new business to me, and I am proportionately awkward at it; for after I have gotten the facts accurately, they are then to be narrated happily; and the style of narrative, fettered by a scrupulous regard to real facts, is to me the most difficult in the world. It is like attempting to run, tied up in a bag. My pen wants perpetually to career and frolic it away. But it must not be. I must move like Sterne's mule over the plains of Languedoc, "as slow as foot can fall," and that, too, without one vintage frolic with Nanette on the green, or even the relief of a mulberry-tree to stop and take a pinch of snuff at. I was very sensible, when I began, that I was not in the narrative gait. I tried it over and over again, almost as often as Gibbon did to hit the key-note, and without his success. I deter-

mined, therefore, to move forward, in hopes that my palfrey would get broke by degrees, and learn, by-and-bye, to obey the slightest touch of the snaffle. But I am now, as I said, in my hundred and seventh page, which, by an accurate computation, on the principles of Cocker, taking twenty-four sheets to the quire, and four pages to each sheet, you will find to exceed a quire by eleven. And yet am I as far to seek, as ever, for the lightsome, lucid, simple graces of narrative. You may think this affectation, if you please, or you may think it jest; but the dying confession of a felon under the gallows (no disparagement to him!) is not more true, nor much more mortifying.

Tertio: The incidents of Mr. Henry's life are extremely monotonous. It is all speaking, speaking, speaking. 'Tis true he could talk:—"Gods! how he *could* talk!" but there is no acting "the while." From the bar to the legislature, and from the legislature to the bar, his peregrinations resembled, a good deal, those of some one, I forget whom,—perhaps some of our friend Tristram's characters, "from the kitchen to the parlour, and from the parlour to the kitchen." And then, to make the matter worse, from 1763 to 1789, covering all the bloom and pride of his life, not one of his speeches lives in print, writing or memory. All that is told me is, that, on such and such an occasion he made a distinguished speech. Now to keep saying this over, and over, and over again, without being able to give any account of what the speech was,—why, sir, what is it but a vast, open, sun-burnt field without one spot of shade or verdure? My soul is weary of it, and the days have come in which I can say that I have no pleasure in them. I have sometimes a notion of trying the plan of Botta, who has written an account of the American war, and made speeches himself for his prominent characters, imitating, in this, the historians of Greece and Rome; but I think with Polybius, that this is making too free with the sanctity of history. Besides, Henry's eloquence was all so completely *sui generis* as to be inimitable by any other: and to make *my* chance of imitating him still worse, I never saw or heard him. Even the speeches published in the debates of the Virginia convention are affirmed by all my correspondents, not to be his, but to fall far short of his strength and beauty. Yet, in spite of all this monotony and destitution of materials, we have a fellow coming out in the Analectic Magazine, or the Baltimore Commercial Advertiser, I forget which,—for both have been at it,—exciting the public expectation on this very ground, among others, of the copiousness and variety of the materials within my reach! Those puffs mean me well, but I could wish them a little more judgment.

Again: there are some ugly traits in H.'s character, and some pretty nearly as ugly blanks. He was a blank military commander, a blank governor, and a blank politician, in all those useful points which depend on composition and detail. In short, it is, verily, as hopeless a subject as man could well desire. I have dug around it,

and applied all the plaster of Paris that I could command; but the fig-tree is still barren, and every bud upon it indicates death instead of life. "Then, surely, you mean to give it up?" *On the contrary,* I assure you, sir: I have stept in so deep that I am determined, like Macbeth, to go on, though Henry, like Duncan, should bawl out to me, "Sleep no more!" I do not mean that I am determined to publish. No, sir; unless I can mould it into a grace, and breathe into it a spirit which I have never yet been able to do, it shall never see the light; Mr. Webster's proposals to the contrary notwithstanding. But what I have determined upon is to go on as rapidly as I can to embody all the facts: then, reviewing the whole, to lay it off into sections, by epochs, on Middleton's plan; and, taking up the first section, to make a last and dying effort upon it *per se.* If I fail, I surrender my sword: if otherwise, I shall go forth, section after section, conquering and to conquer. And if the public forgive me this time, I will promise never to make a similar experiment on their good-nature again.

With regard to your father (Dabney Carr), I had predetermined to interweave the fact you mention. Judge Tucker has furnished me the incident. "It was at this time, February, 1772," says the Judge, "that Mr. Carr made a motion to appoint standing *committees of correspondence* with the other colonies, on the subject of the act of Parliament imposing duties on glass, oil and painters' colours." The appointment of committees of safety took place in 1775, after the organization of the old Congress, to which, you say, your father's motion led. In regard to the committees of correspondence with the other colonies, Judge Marshall gives Massachusetts the credit of the invention; though, I suspect, what Massachusetts did invent,—judging from Marshall's note 10, cited page 149 of his second volume,—was nothing more than town committees within that colony,* and that the credit of committees of correspondence, connecting the Colonies, really belongs to Virginia. I shall communicate with Marshall on this subject, and wish *you* would do so with Mr. Jefferson. I should myself write to this latter gentleman, but I have already written to him so often and so much, in the course of my troubles with Patrick, that I am really ashamed to annoy him farther, though I have much and frequent occasion for it.

I wish I knew something more specifically of your father's cast of character, in order that I might take this opportunity of giving him

* This point, upon further investigation, was settled in the establishment of an equal claim on the part of the two States to the origination of the committees. In the Life of Henry, page 37, the author asserts in a note: "The measures were so nearly coeval in the two States, as to have rendered it impossible that either could have borrowed it from the other. The messengers who bore the propositions from the two States are said to have crossed each other on the way."

the best *niche* that my poor jaded pen could form. I have only a general impression that he was much such a man as it is easy to conceive your brother Peter* would have been, had his industry and enterprise been equal to his genius. Open, noble, magnanimous; bold, ardent, and eloquent; with a mind rather strong than acute; rather comprehensive and solid in his views than remarkable for subtilty of discrimination; disposed and qualified to lay hold of and plant himself on great principles, rather than to run divisions among minutiæ; with an understanding highly cultivated, a rich imagination, a refined and classical taste, a full and melodious voice, and a copious command of the most pure and nervous language. If this would be saying too much or too little, let me be corrected, for I have set out with the purpose of telling the truth, the *whole* truth, and *nothing but the truth*, at least in this book; though I should be very unwilling that the world should know how awkward I am at it, and how much pain I have in the delivery, for they would certainly discover that it is my first operation of the kind; nor should I be astonished if some rascally reviewer should make just this very remark; which, being true, would be no joke at all to me, and might make every body else laugh except "Mr. Callender's counsel."

* * * * * *

Webster vexes me not a little by the style of his proposals, tacking to my name, "Author of the British Spy." His motive is obvious enough; but the world will consider it as my act, and think it a vanity,—which I abhor. Again, he adds, in his proposals to the Life of Henry, "together with several of his speeches." Now his only authority for this is that I told him I had once seen Henry's "speech on the British debts" in manuscript, taken by a stenographer, and

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* Peter Carr, here alluded to, and whose character is portrayed in such terms of discriminate praise, was the eldest brother, as we have seen, of the Judge. He had died but a few months before this date. There is a touching allusion to this event in a letter to Judge Carr, written almost immediately after it.

"His soul, I hope, is happier even than it was on earth. It is among the articles of my creed that he is an unseen witness of our sorrow for his loss. Nothing remains for us, my dear friend, but to remember him, to love him, and to gratify his spirit, if it be conscious of what passes on earth, by drawing closer in our affections for each other. Some one friend or other is continually dropping from us; and this must be the case while we remain in this state of being. Let us, then, who are permitted to survive, endeavour to repair these heart-rending losses, by loving each other more dearly, and clinging more closely together.

"I am not a misanthrope; yet, I fear, it is not often that we shall meet with men worthy to succeed, in our affections, to those whom we have lost, or to become partners in that friendship which binds the few survivors together."

might, perhaps, be able to get it again. He will disappoint the public in this particular.

Hark ye,—does not Fame depend on the *multitude* of readers and approvers? I mean literary fame. And if so, what kind of works, on what kind of subjects, give a man the fairest chance for this aforesaid fame?

Now, put on your considering-cap, and get upon your wool-sack. I ask again, now that you are seated, and your "head like a smoke-jack," what kind of writings embrace the widest circle of readers, and bid the fairest to flourish in never-fading bloom? Answer: Well-written works of imagination. If you say political works, count the readers of Locke and Sidney, and compare them with those of Shakspeare, Milton, Dryden, and Pope. If you choose to come down to the present day, compare the readers of Hamilton and Madison with those of Walter Scott and Lord Byron. If you choose to institute the comparison between grave history and the lighter works of imagination, you will find ten to one in favour of the latter. Robertson's Charles Fifth, for example, and Tristram Shandy.

I am not speaking of the grade or quality of this fame, but of the spread, the propagation and continuity of the article. "But I would rather have a small quantity of the first grade than a large quantity of the second." Perhaps you would. All I shall say about it is, *de gustibus non est disputandum. I* would rather have a thousand dollars in bank-notes, earned by innocent pleasure, than a hundred guineas in gold, procured by marshing and ditching.

Besides, as to the grade itself, I am not quite so clear that the man of whom it was truly said,

> "Each change of many-coloured life he drew,
> Exhausted worlds, and then imagined new,"

does not deserve a fame as high and rich as the man who relates successfully the crimes of nations, or disentangles ever so dexterously the political skein. This being the case, suppose a man to write for fame, what course should he take? What says the chancellor? More especially if the writer be so encumbered by a profession as to have only a few transient snatches of leisure which he can devote to literary pursuits. You see what I am driving at, I presume,—and "therefore there needs no more to be said here."

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We unite cordially in love.

Yours, ever,

WM. WIRT.

TO FRANCIS W. GILMER.

RICHMOND, August 29, 1815.

MY DEAR FRANCIS:

I received last night your letter of the 15th inst., announcing your arrival at Winchester, and thank you for this early attention to my anxiety for your welfare. We have you at last fairly pitted on the arena,—stripped, oiled, your joints all lubricated—your muscles braced—your nerves strung; and I hope, that ere long we shall hear you have taken the victim bull by the horn, with your left hand,

> ——————— durosque reducta
> Libravit dextra media inter cornua cæstus
> Arduus, effractoque illisit in ossa cerebro.
> Sternitur, exanimisque tremens procumbit humi bos.

I perceive that you are going to work, pell-mell, *nec mora, nec requies*:—that's your sort—give it to them thicker and faster!

> Nunc dextra ingeminans citus, nunc ille sinistra.

It is this glow and enthusiasm of enterprise that is to carry you to the stars. But then bear in mind, that it is a long journey to the stars, and that they are not to be reached *per saltum*. "Perseverando Vinces," ought to be your motto—and you should write it in the first page of every book in your library. Ours is not a profession, in which a man gets along by a hop, step, and a jump. It is the steady march of a heavy armed legionary soldier. This armour you have yet, in a great measure, to gain; to learn how to put it on; to wear it without fatigue; to fight in it with ease, and use every piece of it to the best advantage. I am against your extending your practice, therefore, to too many courts, in the beginning. I would not wish you to plunge into an extensive practice at once. It will break up your reading, and prevent you from preparing properly for that higher theatre which you ought always to keep intently in your mind's eye.

For two or three years, you must read, sir—read—read—delve—meditate—study—and make the whole mine of the law your own. For two or three years, I had much rather that your appearances should be rare and splendid, than frequent, light and vapid, like those of the young country practitioners about you.

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Let me use the privilege of my age and experience to give you a few hints, which, now that you are beginning the practice, you may find not useless.

1. Adopt a system of life, as to business and exercise; and never deviate from it, except so far as you may be occasionally forced by imperious and uncontrollable circumstances.

2. Live in your office; i. e., be always seen in it except at the hours of eating or exercise.

3. Answer all letters as soon as they are received; you know not how many heart-aches it may save you. Then fold neatly, endorse neatly, and file away neatly, alphabetically, and by the year, all the letters so received. Let your letters on business be short, and keep copies of them.

4. Put every law paper in its place, as soon as received; and let no scrap of paper be seen lying for a moment, on your writing chair or tables. This will strike the eye of every man of business who enters.

5. Keep regular accounts of every cent of income and expenditure, and file your receipts neatly, alphabetically, and by the month, or at least by the year.

6. Be patient with your foolish clients, and hear all their tedious circumlocution and repetitions with calm and kind attention; cross-examine and sift them, 'till you know all the strength and weakness of their cause, and take notes of it at once whenever you can do so.

7. File your bills in Chancery at the moment of ordering the suit, and while your client is yet with you to correct your statement of his case; also prepare every declaration the moment the suit is ordered, and have it ready to file.

8. Cultivate a simple style of speaking, so as to be able to inject the strongest thought into the weakest capacity. You will never be a good jury lawyer without this faculty.

9. Never attempt to be grand and magnificent before common tribunals;—and the most you will address are common. The neglect of this principle of common sense has ruined —— with all men of sense.

10. Keep your Latin and Greek, and science, to yourself, and to that very small circle which they may suit. The mean and envious world will never forgive you your knowledge, if you make it too public. It will require the most unceasing urbanity and habitual gentleness of manners, almost to humility, to make your superior attainments tolerable to your associates.

11. Enter with warmth and kindness into the interesting concerns of others—whether you care much for them or not;—not with the condescension of a superior, but with the tenderness and simplicity of an equal. It is this benevolent trait which makes —— and —— such universal favourites—and, more than any thing else, has smoothed my own path of life, and strewed it with flowers.

12. Be never flurried in speaking, but learn to assume the exterior of composure and self-collectedness, whatever riot and confusion may be within; speak slowly, firmly, distinctly, and mark your periods by proper pauses, and a steady significant look:—"Trick!" True,—but a good trick, and a sensible trick.

You talk of complimenting your adversaries. Take care of your *manner* of doing this. Let it be humble and sincere, and not as if you thought it was in your power to give them importance by your *fiat*. You see how natural it is for old men to preach, and how much easier to preach than to practise. Yet you must not slight my sermons, for I wish you to be much greater than I ever was or can hope to be. Our friend Carr will tell you that my maxims are all sound. Practise them, and I will warrant your success. You have more science and literature than I;—but I know a good deal more of the world and of life, and it will be much cheaper for you to profit by my experience and miscarriages than by your own. Nothing is so apt to tincture the manners of a young man with hauteur, and with a cold and disdainful indifference towards others, as conscious superiority; and nothing is so fatal to his progress through life, as such a tincture: witness ——. My friend —— himself, is not without some ill effect from it; and since you must feel this superiority, I cannot be without fear of its usual effects.

You must not suppose because I give you precepts on particular subjects, that I have observed you deficient in these respects; on the contrary, it is only by way of prevention; and whether my precepts are necessary to you or not, you are too well assured of my affection to take them otherwise than in good part. Farewell—my letters shall not all be lectures.

Yours affectionately,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, January 12, 1816.

MY EVER DEAR FRIEND:

* * * * * *

I have, indeed, had a tough spell through the latter part of the fall. It was the effect, I believe, of a very severe cold, which I feared, at one time, had fallen on my lungs, from the ugly and obstinate cough which attended it; and there were times, I confess, when the apprehension of being taken from my family just when my toils and plans seemed ripening to a harvest of independence for them, depressed me rather more than became a philosopher or a Christian,—which, however much I wish, I fear I shall never approach nearer, than a few transient aspirations.

* * * * * * *

As for Patrick,—he is the very toughest subject that I ever coped withal. If I have any knack at all in writing, it is in copying after nature: not merely in drawing known characters, but in painting the images in my own mind, and the feelings of my heart. In this walk, I have occasionally succeeded almost to my own entire satisfaction.

But Patrick was altogether *terra incognita* to me. I had never seen him; and the portraits of him which had been furnished me were so various and contradictory as to seem to confound rather than inform me. Hence I have never been able to embody him. My imagination found no resting place throughout the whole work; but from beginning to end, fluttered like Noah's dove over a dreary waste of waters, without spying even a floating leaf of *olive*, much less of *laurel*. What I wrote without satisfaction, it is reasonable to conclude will be read in the same way. Disappointed myself, I am very certain that I shall disappoint others. But this conclusion has now become familiar to me, and the pain is over. You are wrong, be assured, my dearest friend, in supposing that this work will redound more to my fame than any thing I have ever written. It is not every subject on which a man can succeed:—"*ex quovis ligno*," you know.—If I am not mistaken, this subject would have been found impracticable to any one; that is, nothing great could have been made of it in narrative. A panegyric, and a splendid one, too, of a dozen pages might be written on it, but the detail must be trivial if the incidents be truly told. In truth, I hate excessively to be trammelled in writing, by matter of fact. Don't be so mischievous as to mistake me. I mean that my habit of composition has always been to draw only from my own stores, with my fancy and my heart both as free as the winds. Reined in by the necessity of detailing stubborn facts, I find that the gaits of my Pegasus are all to be formed anew; for he trots, prances and gallops altogether in the same period. If you do not understand me now, you must wait till I can borrow an exposition from Philosopher Ogilvie. But before we dismiss Patrick finally, you will find in the Port Folio for December, an extract from my biography, furnished at the desire of Hall, the editor, and you will see in that extract what has been thought by several, who have read the manuscript, one of the happiest passages if not the happiest passage, in my book, from which you will judge of the *miserability* of the rest.

No, the work is not in the press. It shall not go until I can get leisure to file off some of its asperities. I wish to heaven, you could see it!—and it shall go hard, but you shall, before it passes to the press; for I am in no hurry to be damned.

The candid and sensible reader will, indeed, as you say, allow for the subject; but of the thousands of readers on whom fame depends, how many are there, think you, who are sensible and candid? how many will there be, predisposed to dash my thimblefull of reputation from my lips? But enough of this—for if I keep prating about it, I shall confirm you in the conjecture that it is preying on my spirits. I give you my word that I have not said or thought so much about it for two months, as I have since I began to scribble this letter.

* * * * * *

I am now, sir, in full and high health; not quite indeed so brim-

ful of expectation as I was when you first knew me, about twenty years ago, but still with a reasonable appetite for the good things of the world. Disappointed indeed, as to some of my calculations of happiness, yet by no means disposed to cry out with Solomon, "all is vanity and vexation of spirit." If Solomon had had such a wife and children, and such friends as I have, he would have changed his note. His exclamation upon the vanity of all sublunary things, has always struck me rather as the sentiment of a cloyed and sated debauchee, than that of a contemplative philosopher. What vanity or vexation of spirit is there in the temperate indulgence of our affections; in the love-beam that plays upon me from the eyes of my wife; in the untutored caresses of my beloved children; in these tender inquiries from the best of friends which lie before me; or in this tear, which the consciousness of these purest of earthly possessions calls into my eyes? If on subjects of this sort Solomon was wise, let me remain a fool. What say you?

* * * * * *

My wife and children unite with me in love to your fire-side.

If you know what heartfelt pleasure your letters afford me, and enjoy the leisure which I hope you do, you would write to me soon and often.

May God bless you and make you happy!

Your friend in life and in death,

WM. WIRT.

About this time George Hay, the attorney of the United States for the Richmond district, resigned his post. Amongst several gentlemen of Virginia whose names were submitted to Mr. Madison for the appointment to this office, was that of one who subsequently attained to high distinction in the public councils, and whose death acquired a most painful celebrity by its association with the melancholy accident on board of the Princeton — Abel P. Upshur. He had studied law under the direction of Wirt, who now presented him to the President, in terms suggested by the highest appreciation of his talents, and by a strong personal friendship. This incident is only worthy of notice here, so far as Mr. Wirt's letter, on the occasion, affords us an insight to the abated temper of partisan feeling which had already begun to be manifested, and which was an index to that calm and appeased political sentiment which prevailed in the administration of public affairs for some years succeeding this event. After speaking the language of the warmest praise on the merits of his friend, he adds,—"It is proper for me to state that he is a Federal-

ist,"—but to qualify this draw-back, he continues—"he justified the late war with Great Britain, and was among the volunteers who marched to York Town to meet the enemy.——

* * "I am entirely certain that no differences of political sentiment would ever swerve him from his duty, or abate, in the smallest degree, the zeal proper for its discharge. *How far, in the present condition of the country, his political creed ought to operate as a bar to his appointment, or whether its tendency would not rather be to soothe the exasperation of party, and promote the coalescence which is so desirable on every account, and of which we have such promising omens, it is not for me to decide.* I submit the proposition with great deference, and rely upon your usual indulgence to excuse this liberty."

This letter to Mr. Madison was written on the 10th of March, 1816. The writer of it was a little surprised to find, by a letter from Mr. Madison to him, dated on the 13th, that the subject had been already settled by the selection of himself for the appointment. It was an event altogether unlooked for, and equally undesired. Coming upon him in this unexpected way, and with expressions of the kindest personal interest from the President, the appointment somewhat embarrassed him; but, after deliberating, he thought it his duty to accept it.

In communicating this determination to the President, he says, in a letter of the 23d of March, — "I beg you to believe me unaffectedly sincere in declaring that there is nothing in the office which excites any solicitude, on my part, to possess it; and that I feel myself much more highly honoured by the terms in which you were so good as to make the inquiry, than I should by the possession of the office itself. So far am I, indeed, from being solicitous to possess it, that I assure you, with the frankness which I hope our long acquaintance warrants, your bestowing it on any one of the many gentlemen of my profession in this State who are, at least, equally entitled to it, and stand, perhaps, in greater need of it, will not, in the smallest degree, mortify me nor diminish the respect and affection with which I am and ever have been your friend."

It was but a few weeks before the date of these letters, that Wirt had argued his cause in the Supreme Court, and had "broken a lance with Pinkney,"—as he himself described it.

These two gentlemen had here commenced an acquaintance, which was afterwards illustrated by many passages of dialectic and forensic skill in a course of eager competition and constant association in the same forum. No one was more prompt to do justice to Pinkney's extraordinary abilities, after the best opportunities to observe them, than Wirt. His mature opinion of his great competitor was freely expressed, and well known in the circle in which they both moved. But Wirt's first impressions of him, derived from this trial, are singularly variant from those which a more intimate acquaintance afterwards gave him. We have a letter to Gilmer, soon after this first encounter, which presents a picture of Pinkney, far from flattering. Pinkney was, at that time, in the zenith of his fame. He was the chief object of interest in the Supreme Court, and the most prominent subject of popular criticism. No man ever drew forth a larger share of mingled applause and censure, or was visited with more exaggerated extremes of opinion. While one class of observers saw in his oratory nothing short of the most perfect of forensic accomplishment; another could scarcely find merit enough in his best endeavours to rescue them from the utter condemnation to which they alleged his dogmatism, false taste and frigid affectations entitled them. Impartial and judicious estimate of his power and acquirements seems rarely to have been accorded to him.

We may ascribe these conflicting judgments to some peculiarities in Pinkney's character and position. At the bar, his port towards those who occupied the most eminent station was antagonistical and defiant. He waged with all such an unceasing war for supremacy. He gave no ground himself, and asked no favours. His courtesy in this arena was a mere formula, and rather suggested conflict than avoided it. His manner was alert and guarded, his brow severe, his civilities short and measured, like a swordsman in the theatre when the "noble art of defence" drew crowds together to witness the trials of skill. All this portion of the bar, constituting a most intelligent and critical auditory, were the fastidious and unsparing witnesses of his fame, and often spoke of him, in no mitigated terms of exception to whatever defect of taste or judgment they were able to detect. Opposed to these were the younger members of the profession, not yet within the pale of rivalry, to whom Pinkney was habitually

courteous and kind. It seemed to be a cherished object of his to win the good-will of this class of his professional associates. He was to them the pleasant companion, full of condescensions and small civilities. He noticed their progress, praised their efforts, instructed, encouraged them, and almost invariably enlisted them in the support of his own renown. He was an eager sportsman in the field, untiring in a day's work with his gun; an excellent shot, and studiously learned in all the technicals of this craft. This gave him acceptance and favour amongst another circle. He was profuse and splendid in his mode of living, utterly careless of expense, munificent and ostentatious. He was popular as a political champion, and rendered good service to his cause in some noted contests in Maryland, in which he was accustomed to meet the most effective champions of a party distinguished for its talents and intelligence. He had acquired a high standing in the country for his diplomatic service, which had elevated him, in public opinion, both at home and abroad. He had served with conspicuous success as the Attorney-General of the United States, in the administration of Mr. Madison. He was a zealous and ardent supporter of the war; had taken a commission from the Executive of Maryland, and commanded a rifle-battalion at the time of the invasion of the capital, and shared in the disaster at Bladensburg, where he was wounded in the fight. All these circumstances combined to draw upon him a large portion of public observation, and to attract, on one side, as much exaggerated praise, as, on another, to expose him to the virulence of partisan antipathy, or to the invidious reflection of personal rivalry and dislike.

Pinkney's first accost raised an unfavourable prepossession in Wirt's mind against him, as will be seen in the following letter, from which I make some extracts; premising, what I have already hinted to the reader, that these opinions were greatly modified when the writer of this letter had more full opportunity to witness and appreciate the power of his opponent. We may regard the present comments as expressing the disappointment of one who had formed his judgment of oratory in an entirely different school from that of which he was now furnished a specimen. Nothing could be more diverse than the distinctive characters of the eloquence of Pinkney and Wirt. The slow consent of one to admit the eminent claim of the other, was but a natural reluctance of opinion.

TO FRANCIS W. GILMER.

RICHMOND, April 1, 1816

MY DEAR FRANCIS:

* * * * * *

"I wish I had been trained to industry and method in the counting-room of a Scotch merchant from the age of twelve, and whipped out of those lazy and sauntering habits which fastened upon me about that age, and have held "the fee-simple of the bark" ever since. Your truly great man does more business, and has more leisure and more peace of conscience, and more positive happiness, than any forty of your *mediocre* persons. This is humiliating to me, and I don't like to think of it. But, do you profit by it, and habituate yourself to the practice of Mr. Jefferson's system. * * Make the axle glow with the ardour of your exercise, and the anvil ring with the vigour of your preparation. Teach these boys, as Pinkney said he would do, 'a new style of speaking.' But let it be a better one than his; I mean his solemn style, to which, in Irish phrase, I give the back of my hand. If that be a good style, then all the models, both ancient and modern, which we have been accustomed to contemplate as truly great,—such as Crassus, Antony, Cicero, the prolocutors of the Dialogue 'De Causis corruptæ eloquentiæ,' Chatham, Henry, and others,—not forgetting 'Paul Jones and old Charon,'—are all pretenders. I know that this is not your opinion. But I was near him five or six weeks, and watched him narrowly. He has nothing of the rapid and unerring analysis of Marshall, but he has, in lieu of it, a dogmatizing absoluteness of manner which passes with the million,—which, by-the-bye, includes many more than we should at first suspect,—for an evidence of power; and he has acquired with those around him a sort of papal infallibility. That manner is a piece of acting: it is artificial, as you may see by the wandering of his eye, and is as far removed from the composed confidence of enlightened certainty as it is from natural modesty. Socrates confessed that all the knowledge he had been able to acquire seemed only to convince him that he knew nothing. This frankness is one of the most characteristic traits of a great mind. Pinkney would make you believe that he knows every thing. ——

"At the bar he is despotic, and cares as little for his colleagues or adversaries as if they were men of wood. He has certainly much the advantage of any of them in forensic show. Give him time—and he requires not much—and he will deliver a speech which any man might be proud to claim. You will have good materials, very well put together, and clothed in a costume as magnificent as that of Louis XIV.; But you will have a vast quantity of false fire, besides a vehemence of intonation for which you see nothing to account in the cha-

racter of the thought. His arguments, when I heard him, were such as would have occurred to any good mind of the profession. It was his mode of introducing, dressing and incorporating them, which constituted their chief value—'materiem superabit opus.' * * * * In the cause in which we were engaged against each other, there never was a case more hopeless of eloquence since the world began. It was a mere question between the representatives of a dead collector and a living one, as to the distribution of the penalty of an embargo bond:—whether the representatives of the deceased collector, who had performed all the duties and recovered the judgment, or the living collector, who came in about the time the money was paid by the defendant into court, and had, therefore, done none of the duties, was entitled to the award. I was for the representatives of the deceased collector—Pinkney for the living one. You perceive that his client was a mere harpy, who had no merits whatever to plead. There were ladies present—and Pinkney was expected to be eloquent at all events. So, the mode he adopted was to get into his tragical tone in discussing the construction of an act of Congress. Closing his speech in this solemn tone, he took his seat, saying to me, with a smile—'that will do for the ladies.' * * * He is certainly not of the olden school."

As a counterpart to this, we have a criticism of himself in the same cause, in a letter to Carr; with some comment, besides, on his dramatic experiment, in regard to which his friend had shown himself a rather partial judge.

TO JUDGE CARR.

Richmond, April 7, 1816.

And can you, my beloved friend, who have known the very bottom and core of my heart so long and so intimately,—who have had a home in that heart for twenty years, suspect for one moment, any decay of my affection for you? No! I cannot believe it possible. Indeed, the very tone of this letter, which I have just received from you, assures me of the reverse, notwithstanding some half-insinuations to the contrary. The truth is, if I had been satisfied with my own figure at Washington, you would have heard from me on the spot; but I was most dissatisfied. And good reason I had to be so—for it was a mean and sneaking figure I made in that cause;—and your friends either deceive you from kindness, or have been deceived themselves. I was never more displeased with any speech I have made since I commenced practice. Having once argued the cause here, to my satisfaction, I relied upon my notes for recalling every topic to my mind; and this the more especially, as the Court of Appeals held

me under the lash to the very moment of my departure. But behold, when I was about to set out, my notes were nowhere to be found. My only hope then was that I should be able to recall the arguments by meditation in the stage; and I determined to be very sour, sulky and silent to my fellow-passengers, that I might abstract myself from them and have an opportunity of study; but this, you know, is not in my nature—and so I reached Alexandria without one idea upon the subject. My consolation then was, that I should have one day in Washington before the cause came on,—and to effect this, I left Alexandria when the stage arrived, at about ten o'clock on Tuesday night, and went to Washington that night. I got to McQueen's about eleven. In two minutes after, Dr. F. came in, so delighted to see me, that I could not find it in my heart to resist his earnest desire that I would sit with him and have a talk, because he had much to say to me of deep import to himself, and had been longing for my arrival, that he might unbosom himself to me. He thus kept me up till two o'clock.

Immediately after breakfast I retired to my room, borrowed the acts of Congress, on which my cause arose, and had just seated myself to study, when several of my warm-hearted friends rushed into my room and held me engaged 'till court hour. So it was again in the evening; and so, on Thursday morning. In this hopeless situation I went to court to try the tug of war with the renowned Pinkney. When I thought of my situation,—of the theatre on which I was now to appear for the first time, the expectation which I was told was excited, and saw the assembled multitude of ladies and gentlemen from every quarter of the Union, you may guess my feelings. Had I been prepared, how should I have gloried in that theatre, that concourse, and that adversary! As it was, my dear wife and children, and your features, look, and sympathetic voice and friendly inquietude, came over me like evil spirits. To be sure, these considerations gave me a sort of desperate, ferocious, bandit-like resolution: but what is mere *brute* resolution with a totally deluded intellect? I gave, indeed, some hits which produced a visible and animating effect; but my courage sank, and I suppose my manner fell, under the conscious imbecility of my argument. I was comforted, however, by finding that Pinkney mended the matter very little, if at all.

Had the cause been to argue over again on the next day, I could have shivered him; for his discussion revived all my forgotten topics, and, as I lay in my bed on the following morning, arguments poured themselves out before me as from a cornucopia. I should have wept at the consideration of what I had lost, if I had not prevented it by leaping out of bed and beginning to sing and dance like a maniac,—to the great diversion of F., who little suspected what was passing in my mind.

This is all true. I know you will abuse me for it, but it is true still; and I had rather be abused than to deceive you.

I must somehow or other contrive to get another cause in that court, that I may show them I can do better. I should like to practise there. For although you say, you believe I do not know my own strength, you will change that opinion when I tell you I am not afraid of any man on that *arena*, — not even of the Chevalier Pinkney, whom I would at any time rather encounter than Tazewell. Pinkney has, for the while, debauched the public taste by a false manner, just as Quin and his coadjutors of the old stage did, according to Cumberland's account. The misfortune is, that there is no Garrick at Washington to raise the standard of nature. As to myself, I know that I have no pretensions to oratory. My manner, never carefully formed, has become too unalterably fixed to be improved at my time of life. Besides, I have not the off-hand fertility of thought, the prompt fecundity of invention, and the extemporaneous bloom of imagination, which are all essential to the orator. But I say again that, *with full preparation*, I should not be afraid of a comparison with Pinkney, *at any point*, before genuine judges of correct debate. Now think me over-modest, if you can.

I regret extremely that the time of session of our Court of Appeals disables me from attending the Supreme Court: but if our Court adopt a plan which they talk of,—that is, of having a summer and fall session,—I will try my luck at Washington as soon as I can get a cause or two, by way of commencement. So much for this great affair. * * * * *

I protest against your measuring me by the standard of Sheridan. He was a diamond wit, not only of the first water, but of the highest polish. He had the advantage of a constant attendance at the first theatre in Europe, where he saw the public taste tried by every variety of application. Compared with his, my opportunities are those of a back-woods' bear-hunter, measured with those of the courtly Wickham. I am about as fit to rival Sheridan as a bat a towering eagle. I foresaw, from your frequent mention of Sheridan, what your mind was running on. If you have looked for his invention of comic incidents, his percussion and re-percussion of sprightly and brilliant dialogues, his delicate and varied tints of wit and humour, his splendid flashes of fancy, you have been unreasonable, and are therefore justly punished by disappointment.

* * * * * * *

I need not tell you how sincerely I rejoice in the brilliancy of Frank's debut. The plainness of his manner, in particular, charms me. I was a little afraid he would be too fond of the pomp of expression though I never doubted that experience and his own sound judgment would correct the error. That he should have gone off right, is, therefore, so much the more pleasing. He is a fine fellow, and born, I hope, to redeem the eloquence of the State. * *

Your friend,

L WM. WIRT

The biography was now approaching its completion. The author was manifestly disheartened by his work. His letters to his intimate friends are full of distrust upon the merits of his performance. He seems to have indulged this sentiment so far as almost to meditate the abandonment of the publication of the book. The counsel of Mr. Jefferson and others, cheered him, revived his confidence, and finally settled the point of committing the volume to the public.

The following letters upon this subject, furnish some curious passages in literary history.

TO THOMAS JEFFERSON.

RICHMOND, August 24, 1816.

DEAR SIR:

I accept, with gratitude, the terms on which you are willing to remark on my manuscript; and send, herewith, three sections, ninety-one pages.

There will be an advertisement prefixed to it, stating the authorities on which the narrative is founded, and appealing to the candour and indulgence of the public on account of the peculiar disadvantages under which the work has been written.

This, I confess, is a kind of beggarly business which I abhor very much; but I can still less bear to have it believed that the work is the offspring of profound leisure, and a mind at ease; when the truth is that no one sheet of it, scarcely, has been written without half a dozen professional interruptions, which have routed my ideas as completely, each time, as Don Quixote's charge did the flock of sheep. I make no doubt you will perceive the chasms caused by these interruptions, and the incoherence, as well as crudeness, of the whole mass.

When I was engaging with Webster, last summer, with respect to the publication, I refused expressly to bind myself to furnish it at any particular period,—foreseeing the extreme uncertainty as to the time of its completion, from the interference of professional duties, and wishing to reserve to myself, also, full leisure, to revise, correct, and retrench at pleasure. But he has made such an appeal to my humanity, on account of the expensiveness of the materials which he has laid in for the publication, and his inability to remain longer without some reimbursement, that I am much disposed to let the work go, in its present general form, if you think it can be done without too much sacrifice.

What I mean is, that I think the whole work might be *recast* to advantage. But then, it must be written *wholly anew*, which would ill suit Webster's alleged situation: my disposition, therefore, is to

let *the form* of the work remain, connecting the composition, statements, &c., where it shall be suggested and thought proper.

If you think the publication of the work, will do me an injury with the public, I beg you to tell me so, without any fear of wounding my feelings. I am so far from being in love with it myself, that I should be glad of a decent retreat from the undertaking. I confide implicitly in your frankness and friendship,—and beg you to believe me, dear sir, with the greatest respect and affection,

Your friend and servant,

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

MONTICELLO, September 4, 1816.

DEAR SIR:

I have read, with great delight, the portion of the history of Mr. Henry which you have been so kind as to favour me with, and which is now returned. And I can say, from my own knowledge of the contemporary characters introduced into the canvass, that you have given them quite as much lustre as themselves would have asked. The exactness, too, of your details has, in several instances, corrected the errors in my own recollections, where they had begun to falter.

In result, I scarcely find anything needing revisal; yet, to show you that I have scrupulously sought occasions of animadversion, I will particularize the following passages, which I noted as I read them.

Page 11: I think this passage had better be moderated. That Mr. Henry read Livy through once a year is a known impossibility with those who knew him. He may have read him *once*, and some general history of Greece; but certainly not twice. A first reading of a book he could accomplish sometimes and on some subjects, but never a second. He knew well the geography of his own country, but certainly never made any other his study. So, as to our ancient charters; he had probably read those in Stith's history; but no man ever more undervalued chartered titles than himself. He drew all natural rights from a purer source—the feelings of his own breast. * * * * * * *

He never, in conversation or debate, mentioned a hero, a worthy, or a fact in Greek or Roman history, but so vaguely and loosely as to leave room to back out, if he found he had blundered.

The study and learning ascribed to him, in this passage, would be inconsistent with the excellent and just picture given of his indolence through the rest of the work.

Page 33, line 4: Inquire further into the fact alleged that Henry was counsel for Littlepage. I am much persuaded he was counsel for Dandridge. There was great personal antipathy between him and Littlepage, and the closest intimacy with Dandridge, who was his

near neighbour, in whose house he was at home as one of the family, who was his earliest and greatest admirer and patron, and whose daughter became, afterwards, his second wife.

It was in his house that, during a course of Christmas festivities, I first became acquainted with Mr. Henry. This, it is true, is but presumptive evidence, and may be over-ruled by direct proof. But I am confident he could never have undertaken any case against Dandridge; considering the union of their bosoms, it would have been a great crime.* * * * * * * *

Accept the assurance of my constant friendship and respect.

TH. JEFFERSON.

In a reply to this letter, Wirt, in sending Mr. Jefferson some additional portions of the book, remarks:—

"I can tell you, with very great sincerity, that you have removed a mountain-load of despondency from my mind, by the assurance that you could find entertainment in these sheets. * *

"I entreat you not to spare your remarks on account of the defacement of the manuscript. I had rather commence it *de novo* than lose the advantage of your freest criticisms. If you think the narrative too wire-drawn, or the style too turgid—points about which I have, myself, strong fears—I depend on your friendship to tell me so. Much better will it be to learn it from you, in time to correct it, than from the malignity of reviewers, when it shall be too late."

Some weeks after this, he wrote the following:

WILLIAM WIRT TO THOMAS JEFFERSON.

RICHMOND, October 23, 1816.

DEAR SIR:

I now submit to you the last sheets of my Sketches of Mr. Henry, which I am sorry to find more numerous than I expected; and I pray you to forgive the great trouble which I am sincerely ashamed of having imposed on you.

Your remarks have been of great service to me, not only by enabling me to correct mistakes in fact, but by putting me on a severe inquisition of my style, which, I am perfectly aware, is too prone to exuberance.

I am afraid that the whole plan is too loose, and the narrative too diffuse. Has it struck you in this light, and do you think it would gain, in point of animation and interest, by retrenchment and compression?

* There were other corrections, of minor errors, suggested in this letter, which are omitted.

I have another question to ask, to which I entreat an unreserved answer; and I hope you think too well of my understanding to suppose that I shall be hurt by the answer, whatever it may be. Would you, as a friend, advise me to publish this book, or not?

It has been written under circumstances so extremely disadvantageous, amid such perpetual interruptions arising from my profession —at almost every step, too, *invita minerva*,—and I peruse it myself with so little satisfaction, that I am seriously apprehensive it may make shipwreck of what little reputation I possess as a writer.

I am not obliged to publish; and I shall be governed, on this head, by the advice of my friends, who must, from the nature of things, be much better qualified to judge of the subject than I am. They, I hope and believe, think too justly of me to withhold the expression of their opinions from motives of delicacy.

Your repose shall never be endangered by any act of mine, if I can help it. Immediately on the receipt of your last letter, and before the manuscript had met any other eye, I wrote over again the whole passage relative to the first Congress, omitting the marks of quotation, and removing your name altogether from the communication.

If there be any other passage for which I have quoted you, and which you think may provoke the strictures of malice or envy, I beg that you will be so good as to suggest it. I am conscious of having made a very free use of your communications. It was natural for me to seek to give this value to my work. But it would be most painful to me to be, in any manner, instrumental in subjecting you to the renewed attacks of your political enemies. It is not enough for me that you despise these attacks: I have no right, much less have I the disposition, to make this call upon your fortitude. And, besides, the shaft which cannot reach you, never fails to wound and irritate your friends. This was one of the leading causes which made me anxious to submit my manuscript to you *first*.

Quere.—Have I not quoted some passages from you, of which the descendants of our landed aristocracy may take it into their heads to complain?

This did not occur to me till Mr. William H. Cabell (than whom you have not a warmer friend) made the suggestion. I have great dependence on his judgment; and if the matter occurs to you in the same light, I will send up again the sheets which contain those quotations, and get the favour of you to alter them to your own taste.

You will perceive that I have borne very lightly on the errors of Mr. Henry's declining years. He did as much good in his better days; and no evils have resulted from his later aberrations. Will not his biographer, then, be excusable in drawing the veil over them, and holding up the brighter side of his character, only, to imitation?

Most respectfully and affectionately,

Your friend and servant,

WM. WIRT.

THOMAS JEFFERSON TO WILLIAM WIRT.

POPLAR FOREST, November 12, 1816.

DEAR SIR:

Yours of October 23d, was received here on the 31st, with the last sheets of your work.

They found me engaged in a business which could not be postponed, and have therefore been detained longer than I wished.

On the subject of our ancient aristocracy, I believe I have said nothing which all who knew them will not confirm, and which their reasonable descendants may not learn from every quarter. It was the effect of the large accumulation of property under the law of entails.

The suppression of entails reduced the spirit of the rich, while the increased influence given by the new government to the people, raised theirs, and brought things to their present level, from a condition which the present generation, who have not seen it, can scarcely believe or conceive.

You ask if I think your work would be the better of retrenchment? By no means. I have seen nothing in it which could be retrenched but to disadvantage. And again, whether, as a friend, I would advise its publication? On that question, I have no hesitation —on your own acccount, as well as that of the public. To the latter, it will be valuable; and honourable to yourself.

You must expect to be criticised; and, by a former letter I see you expect it. By the Quarterly Reviewers you will be hacked and hewed, with tomahawk and scalping-knife. Those of Edinburgh, with the same anti-American prejudices, but sometimes considering us as allies against their administration, will do it more decently.

They will assume, as a model for biography, the familiar manner of Plutarch, or scanty matter of Nepos, and try you, perhaps, by these tests. But they can only prove that your style is different from theirs; not that it is not good.

I have always very much despised the artificial canons of criticism. When I have read a work in prose or poetry, or seen a painting, a statue, etc., I have only asked myself whether it gives me pleasure, whether it is animating, interesting, attaching? If it is, it is good for these reasons. On these grounds you will be safe. Those who take up your book, will find they cannot lay it down; and this will be its best criticism.

You have certainly practised vigorously the precept of "de mortuis nil nisi bonum." This presents a very difficult question,—whether one only or both sides of the medal should be presented. It constitutes, perhaps, the distinction between panegyric and history. On this, opinions are much divided—and, perhaps, may be so on this feature of your work. On the whole, however, you have nothing to fear; at least, if my views are not very different from the common. And no

one will see its appearance with more pleasure than myself, as no one can, with more truth, give you assurances of great respect and affectionate attachment.

TH. JEFFERSON.

I close this chapter with two letters, in part referring to the biography. The first is to Mr. Pope; the other to an esteemed friend in Hanover county, whose taste and accomplishments rendered him a most competent critic upon the subjects to which it refers. They both give us an insight into the author's apprehension of the perils to which he was about to expose himself by the publication of his book.

TO WILLIAM POPE.

RICHMOND, September 24, 1816.

MY DEAR FRIEND:

Although over my head in business, I cannot receive, in silence, your affectionate letter of the 12th. I have been hitherto very ungrateful,—in appearance, though not in feeling and in fact,—for those effusions of friendship with which you have honoured me by mail; but I have relied on your indulgence and forgiveness, knowing as you do how my head is kept spinning by the multiplicity and variety of my engagements; and I have relied, too, on your knowledge of the true state of my sentiments towards you, to prevent any unfriendly conclusions from apparent neglect. For you know that *my affections* can never neglect you; you know that of all the mortals I have ever encountered in this pilgrimage, you are "the Israelite without guile," and the tenant of my heart's core; so why should we say more upon this subject?

I am extremely gratified by the pleasure you express, in reading those pages of my manuscript. I am dashing on, and hope to close my toils before the 10th of next month. Many a weary league have I travelled with old Patrick. I wish my readers may be willing to travel after me; for, in truth, "I don't think it clever, much;" and if they are only half as much fatigued in reading as I have been in writing it, adieu to Lochaber!—"Othello's occupation's gone!" As for you and Bullock and Clarke, (for Clarke has been here, too, with swimming eyes,) you are all so partial to the subject and the writer, that there is no forming any conclusions as to the probable opinion of the world, from your feelings. "In this *cold* world of ours," as the song goes, I must expect a very different reception,—captious criticism and a predisposition to find fault. But the die will soon be finally cast, and we shall know our fate with certainty. As to J. T, I shall do my duty, and let him do his worst. Patrick shall have justice, if I can give it to him, let who will be offended,—and after that, "the hardest must fend off."

I wish I could accompany you to see the two generals:—they are

both favourites with me,—but I must decline all visiting for this fall. Business first, and then pleasure, is my maxim. And this same biography has encroached so much on my professional duties, that I shall be hard put to it to bring up the lee-way. But as to our trips to Norfolk and Washington, I shall call upon you to keep your promise when the time comes. I wish I may not then find you "a fairy promiser of joy." If we live till next fall, and all is well, I hope we shall be able to make out a visit to our friend Dabney Carr in Winchester. What say you to that? Think of the grandeur of the mountains, and the fertility of the valleys, and the transparency of the limestone water, and of the pleasure our friends there will have in seeing us. Dabney and Frank Gilmer, Henry Tucker's long chin, and Hugh Holmes' wide mouth, not forgetting those thick lips of his, employed in singing the celebrated old English ballad of "The pigs," &c.

We are all well, except our infant, who has been very sick, but thank Heaven, is now nearly restored. My wife and children unite with me in affectionate compliments to Mrs. P., Lucy Ann, and yourself; and I am, as I ever have been, "your loving friend till death us do part."

WM. WIRT.

WILLIAM WIRT TO RICHARD MORRIS, ESQ.

RICHMOND, January 19, 1817.

"You are heartily welcome, brother Shandy, though it were twice as much:"—but are you not a shabby fellow, to return the manuscript, without aiding me with a single criticism? If I thought you considered me so paltry a fellow as to be wounded by the strictures of my friends, I should renounce you *extempore*. I will not permit myself to suspect this, because it would pain me much if one who knows me so well should think so ill both of my modesty and understanding.

Sir, had you appealed to *my* friendship in a like case, I would have given it to you, "hip and thigh." "Your book," I would have said, sir, (if I had thought so) "may do well enough in Virginia, where the subject itself has interest enough to keep your chin above the water: but in other states, and more especially in foreign parts, I doubt you will be damned. You have not the style of narrative—your manner is not familiar and easy enough—your sentences rickety and stiff-jointed;—besides, there are too frequent efforts to give importance to trifles. You will pardon me, but your book abounds with many striking specimens of the false sublime;—your incidents are not detailed with sufficient spirit;—they are frequently encumbered with a quantity of trite historical lumber, which causes the narrative to drag, and the reader to yawn. We lose sight of Henry in wading through your marshes. The speeches that you give as his, contradict your own pompous descriptions of his eloquence. Upon the whole, I must confess that I was painfully disappointed in your work;—there

are parts of it, to be sure, which gratified me,—but as *a whole*, trust me, it is but a poor thing—and neither calculated to advance the fame of the author or of his hero." And then, sir, I would have proceeded to give specifications of these charges. For instance:—"page 40, paragraph the 2d:—much ado about nothing—it sounds to me very much like nonsense."—"Page 60—paragraph the 1st:—this is intended for pathos—the Dutch pronounce the word *bathos*," &c., &c. "Finally, sir, my advice to you, as a friend, is not to publish the book; believe me, it will rob you even of the little standing you have, and cheapen both Mr. Henry and yourself in the public estimation." This is the way, sir, I should have treated you—and I should have expected you to cry "thank'e?" at every slash of my surgical knife.

Now, Morris, whether you will believe me or not, the hypothetic strictures which I have just made, are, in sober sadness, the very remarks to which I fear my book is liable. Yet no one will tell me so, till I read them in some review. From those of my friends who are more remarkable for warm and affectionate hearts than acuteness of intellect, I look naturally for eulogium only; and I have not been disappointed—their partiality for me blinding them to the faults of the work. Even from friends of greater acuteness, I should not be surprised if a false and unkind delicacy for my feelings, should dispose them to conceal their objections. But you are one of those men from whose sturdier and nobler cast both of friendship and character, I expected to hear the naked truth, with all the frankness, and even bluntness, of Kent in Shakspeare's Lear. Instead of which, you come out upon me with a short letter, which, to be sure, is most kind and obliging, but which deals *in generals*, and gives me no specific instruction whatever. Sir, you are not to escape me thus. I have you up before the court, a witness upon oath, and I will torture you by cross-examination 'till I get the whole truth out of you:—so you might as well let it come at once. Cast your eyes, then, upon the aforesaid hypothetic strictures, wherein, if you will take the trouble to analyze, you will discover *a specification* of my own doubts and fears on this subject. Answer me to these, *head by head*, on the oath you have taken—"and then proceed with a statement of all you know respecting the points in issue." If you do not this, I shall say you are no better than you should be. * * *

Will you tender to Mrs. Morris my affectionate compliments—and request her, in my behalf, to make you answer this letter as early as your convenience will permit, promising her, in return, that though *I* have suffered a temporary relapse to the heresy of snuff-taking, I will not give you a pinch without her consent.

God bless you,

Wm. Wirt.

END OF VOL. I.

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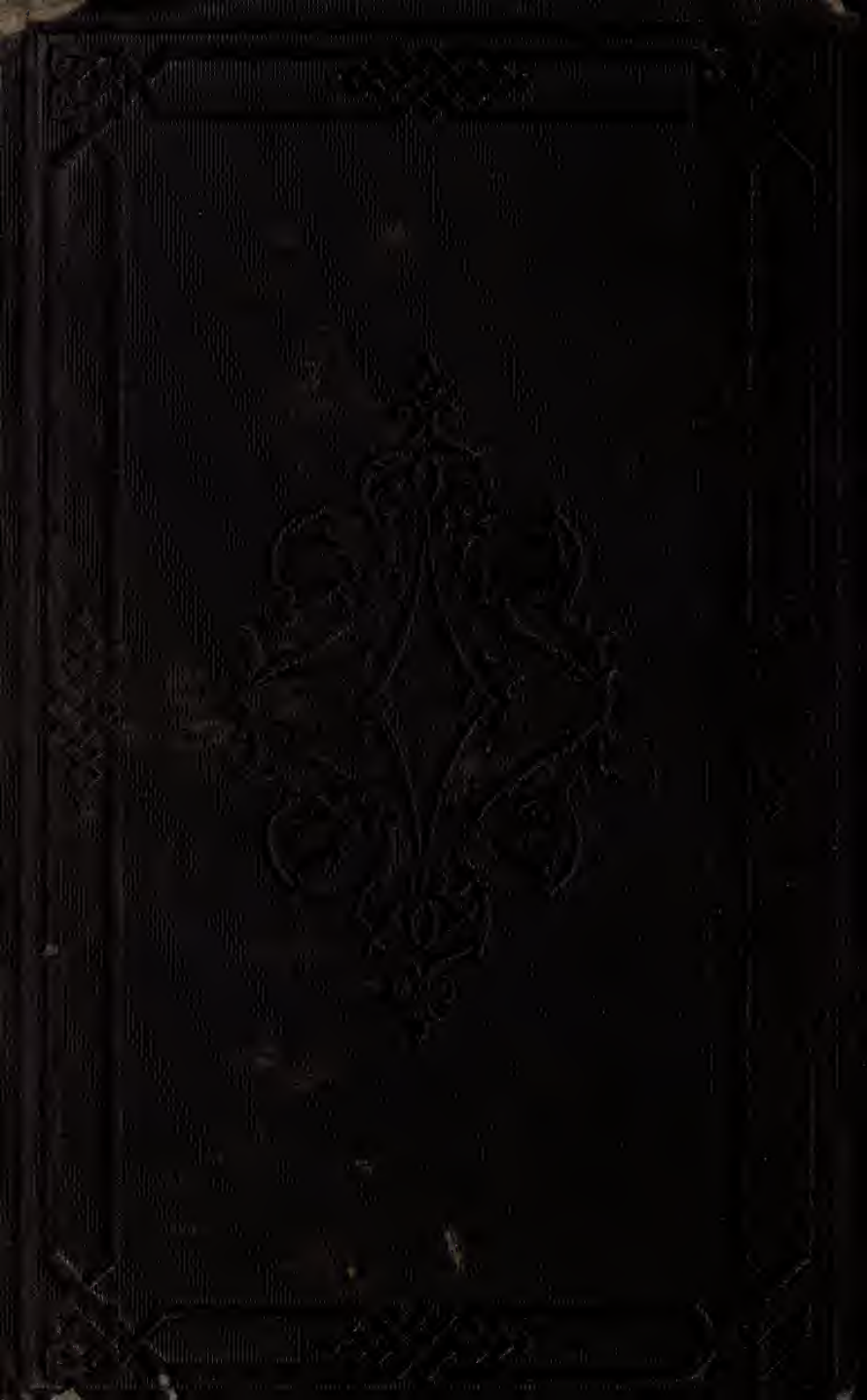
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